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	1 IN THE UNITED STATES DISTRICT COURT	2	INDEX	
	NORTHERN DISTRICT OF OHIO WESTERN DIVISION	3		
	3 CAROL ANN SMITH, :	4	Cross-examination by Ms. Grigsb	y 5
art Tes.	4 Plaintiff :	5		
6,66	5 -vs- : No. 3:11-CV-00560	6		
	6 PERKINS BOARD OF EDUCATION,: et al.,	7	EXHIBITS	
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	11 cross-examination before Lori L. Delhees,	12	4, Letter From Michele Poulos, 9/	
	12 Stenotype Reporter and Notary Public in and for	13	5, Letter, 10/6/08	99
	13 the State of Ohio, at the Law Offices of Murray &	14	6, Letter, 10/14/08	99
	Murray Co., L.P.A., 111 East Shoreline Drive,	15	7, Letter, 10/6/08	99
	15 Sandusky, Ohio on January 24, 2014 at 9:30 a.m.	16	8, Letter, 10/14/08, Request For	99
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	HUNTLEY REPORTING SERVICE 419-626-4039		HUNTLEY REPORTING SERVICE	
	800-247-8360		419-626-4039	
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$\mathcal{F}(\gamma)$	APPEARANCES:	١,		4
2	Paul T. Belazis, Esquire	1	Cont'd Defendants' Exhibits	
-	MALONE, AULT & FARELL	1 _	16, Letter, 4/2/09	175
3	7654 W. Bancroft Street	3	17, E-mail, 5/27/09	186
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_	SPENGLER NATHANSON, P.L.L.	8	22, Letter, 7/8/09, Fit For Duty E	xamination 205
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1		1	Q	What is your current residential address?
2	CAROL ANN SMITH, of lawful age, the	2	Α	217 Michigan Avenue, Sandusky, Ohio, 44870.
3	Plaintiff herein, called by the Defendant	3	Q	Can you give me the dates, the time frame, during
1	as upon cross-examination, pursuant to the	4		which you were employed as a teacher at Perkins
5	Rules of Civil Procedure, being first duly	5		Schools?
i) -	sworn according to law, was examined and	6	Α	September of 1976 to March of 2010.
Ĩ	testified as follows:	7	Q	Is that the date that you stopped working or the
3	CROSS-EXAMINATION OF CAROL ANN SMITH	<u>ı</u> 8		date that you were actually terminated?
9	BY MS. GRIGSBY:	9	Α	The day that I stopped working.
) Q	Good morning, Mrs. Smith.	10	Q	And what was the date that you actually were
1_A_	Good morning.	11		terminated?
2 Q	We met before. I'm Teresa Gribsby. I am an	12	Α	November.
3	attorney in Toledo, Ohio, and I represent the	13		MR. BELAZIS: If you remember.
1	Perkins Local Schools. We're here today to take	14		THE WITNESS: Pardon?
5	your deposition. Have you ever been deposed	15		MR. BELAZIS: If you remember just tell
;	before?	16		her; if you don't remember, tell her you don't
Α	No.	17		remember.
Q	Okay. I'm going to be asking you a series of	18	Α	Probably November of 2010.
)	questions, I ask that you tell me if you don't	19	Q	November of 2010?
)	understand the question.	20	A	Uh-huh.
I A	Okay.	21	Q	
 2 Q	Otherwise I will assume that you do understand	22	×	Thank you. In what year did you receive a
3	the question. If at any time you need to take a	23	Α	continuing contract as a teacher at Perkins?
4	break, just ask me to do so and I'll be happy to	24	Q	I think in 1980.
5	accommodate that. If you need to confer with		Q	Have you ever been employed by as a teacher,
•	HUNTLEY REPORTING SERVICE	25		by a school or a school district other than the
				HUNTLEY REPORTING SERVICE
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· .				800-247-8360
	6			8
2	your attorney, please let me know that, but	1		Perkins Local Schools?
3	answer the question that's pending before you do	2	A	Yes.
, I A	so, fair enough?	3	Q	Can you tell me what school employed you and the
	Yes.	4	_	time frame that that took place?
	Any questions about the procedure?	5	Α	St. Paul's High School in Norwalk from September
A	No.	6		of '72 to June of '76 no, I'm sorry, '75.
'Q	Is there any reason why you cannot give me full	7	Q	And then is that the only school district that,
}	and accurate testimony today?	8		or school by which you've been employed, other
) A	No.	9		than Perkins?
Q	Are you taking any medications that might prevent	10	Α	Yes.
	you from being clear and accurate in your	11	Q	Were it not for your termination what had been
!	testimony?	12		your retirement plans?
A	Maybe.	13	Α	To teach until 2011.
Q	Okay. If you feel that your medication is	14	Q	Through the conclusion of the 2010-2011 school
5	inhibiting your ability to testify clearly and	15		year?
;	accurate, will you tell me?	16	Α	Yes.
Α	Yes.	17	Q	Now I need to ask you a couple questions and I
Q	Because I'm happy to take a break at any time.	18		regret that I have to ask the question. It's my
Α	Okay.	19		understanding that your son, Christopher, has
Q	I'd like to start with a little bit of background	20		passed away since the filing of this lawsuit?
	information. How old are you at present?	21	Α	Yes.
Α	75.	22	Q	And that he was formerly a member of the Board of
Q	How old were you when your employment with	23		Education?
	Perkins Schools terminated?	24	Α	Yes.
	71.	25	Q	I want to tell you how sorry I am for your
Α	7 4.		-	= to ten you now sorry I am for your
' / A				HUNTI FY REPORTING SERVICE
. / A	HUNTLEY REPORTING SERVICE 419-626-4039			HUNTLEY REPORTING SERVICE 419-626-4039

1 A 3 Q 4 5 A Q 8 9 0 A Q 8 4 A Q A Q 9 0 1 A	loss Thank you having a son myself. But I need to ask you whether you and Chris ever discussed the allegations of this suit? I don't understand what you're saying. Did you and he ever have conversations about the issues involved in this lawsuit in which you discussed what may have occurred in Board of Education meetings? No. Have you talked with anybody else, other than your attorneys and your husband, about the allegations that are involved in this lawsuit? Yes. With whom have you spoken? My children. And do any of your children, other than Chris, did any of them have access to information pertinent to the school's decision making concerning your employment? No. Have you spoken with anybody who is employed by the Perkins Schools about the allegations of this suit? HUNTLEY REPORTING SERVICE 419-626-4039 800-247-8360	1 2 3 4 4 5 6 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	QAQAQAQ AQ AQAQAQ AQ	When did you speak with Tom? When I was at the junior high. Would that have been the 2007-2008 school year? No. No? That would have been in 2008 to 2009. Okay. And what was his role with the union at that time? He was I don't he was an officer, but I'm not sure which one. During the period of roughly 2007 to 2010, was Mr. Gerber president of the union the entire time? No. Okay. What was You know, I'm not sure. Okay. I'm going to qualify that. But Mr. Kinsel, he was in leadership, but you just don't know his role? That's correct. But am I correct in understanding that your conversations with both Mr. Gerber and Mr. Kinsel occurred at the time of the events in question and have not occurred since your termination? HUNTLEY REPORTING SERVICE
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A 2 Q	did any of them have access to information pertinent to the school's decision making concerning your employment? No. Have you spoken with anybody who is employed by the Perkins Schools about the allegations of this suit? HUNTLEY REPORTING SERVICE 419-626-4039	19 20 21 22 23 24	Q A	But Mr. Kinsel, he was in leadership, but you just don't know his role? That's correct. But am I correct in understanding that your conversations with both Mr. Gerber and Mr. Kinsel occurred at the time of the events in question and have not occurred since your termination?
A Q Q	pertinent to the school's decision making concerning your employment? No. Have you spoken with anybody who is employed by the Perkins Schools about the allegations of this suit? HUNTLEY REPORTING SERVICE 419-626-4039	20 21 22 23 24	A	just don't know his role? That's correct. But am I correct in understanding that your conversations with both Mr. Gerber and Mr. Kinsel occurred at the time of the events in question and have not occurred since your termination?
A Q Q	concerning your employment? No. Have you spoken with anybody who is employed by the Perkins Schools about the allegations of this suit? HUNTLEY REPORTING SERVICE 419-626-4039	21 22 23 24		That's correct. But am I correct in understanding that your conversations with both Mr. Gerber and Mr. Kinsel occurred at the time of the events in question and have not occurred since your termination?
2 A 3 Q 1 5	No. Have you spoken with anybody who is employed by the Perkins Schools about the allegations of this suit? HUNTLEY REPORTING SERVICE 419-626-4039	22 23 24		But am I correct in understanding that your conversations with both Mr. Gerber and Mr. Kinsel occurred at the time of the events in question and have not occurred since your termination?
3 Q 1 5 2 Q	Have you spoken with anybody who is employed by the Perkins Schools about the allegations of this suit? HUNTLEY REPORTING SERVICE 419-626-4039	23 24	Q	conversations with both Mr. Gerber and Mr. Kinsel occurred at the time of the events in question and have not occurred since your termination?
) A 2 Q	the Perkins Schools about the allegations of this suit? HUNTLEY REPORTING SERVICE 419-626-4039	24		occurred at the time of the events in question and have not occurred since your termination?
) A 2 Q	suit? HUNTLEY REPORTING SERVICE 419-626-4039			and have not occurred since your termination?
) A 2 Q	HUNTLEY REPORTING SERVICE 419-626-4039	25		
2 Q	419-626-4039			HUNTLEY REPORTING SERVICE
2 Q				
2 Q	800-247-8360	1		419-626-4039
2 Q				800-247-8360
2 Q	10			12
	Pardon me?	1	Α	Yes.
	Have you spoken with anybody who's employed by	2	Q	I'm correct in that understanding?
3	the Perkins Local Schools about the allegations	3	Α	Yes.
l .	you're making in this suit?	4	Q	Okay. Now, since you have left your employment
5 A	You mean that work right at Perkins?	5		at Perkins how have you been spending your time?
Q	Yes, ma'am.	6	Α	This is four years now, almost. I how have I
' A	Yes.	7		been spending my time? Busy with grandchildr
Q	And with whom have you spoken?	8		I go to Indiana to visit my son and his family, I
A	The union people.	9		
Q	Okay. About the fact that you were bringing this			maintain my house, I help my children when the
, Q	lawsuit?	10		need help, I like to participate and watch them
: A		11	_	with sports, I what else do you need to know
	Well, I filed grievances.	12	Q	Well, have you sought employment or been employe
Q	Okay. You had conversations with union personnel	13	_	since the
	contemporaneous with the event about the	14	Α	No.
	allegations of this suit?	15	Q	termination of your employment?
Α	Maybe.	16	Α	No.
Q	Okay.	17	Q	The activities you just described, I assume them
Α	I'm not sure if you I'm not sure.	18		to be rewarding and fulfilling?
Q	And so that would be your union president,	19	Α	Somewhat.
	Mr. Gerber?	20	Q	What is your understanding of the claims that you
Α	Yes.	21	•	are pursuing in this lawsuit?
Q	Anybody else?	22	Α	My understanding of the claims that I am
A	Yes.	23	• •	pursuing?
Q	Who else associated with the union did you speak?			
. A	Tom Kinsel.	24		MR. BELAZIS: What she's asking you
· •		25		for, just to stand an objection, what she's
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1		asking you for is really something that requires	1		hearing you described yourself, and you and your
2		an understanding of the law, in other words,	2		family as Perkins people?
3		she's asking you for a legal conclusion. And	3	Α	Yes.
4		she's also asking you, she's using the word which	4	Q	What did you mean by that? What did you mean
5		you referred to as a claim, assuming that you	5	•	that "We're Perkins people?"
1		understand even what a claim is.	6	Α	
ï		THE WITNESS: Yes.	7	^	We're very dedicated to the Perkins Schools
8	Α		_	^	System.
9	^	I understand that I did not get the	8	Q	How long have you and your family lived in the
		accommodations that I needed for some things that	9		Perkins School System?
)	^	are wrong with me.	10	A	Since 1967.
<u>_</u>	Q	Okay. Do you have an understanding of whether or	11	_Q	And apart from your son, Chris, who did serve on
2		not there are any other concerns that are being	12		the school board and who was a coach, have others
3		pursued in this lawsuit?	13		been involved either as an employee or a
ļ		MR. BELAZIS: The same objection.	14		volunteer for the Perkins School?
5	Q	I'm sorry?	15	Α	Yes. I know my daughter, Ros, takes a lot of
3	Α	Other concerns that are being pursued in this	16		photographs for them and I know she's constant
7		law?	17		handing those pictures to the kids, giving them
3	Q	Yes. Are there other concerns that you are	18		to them. My daughter, Angie, was a volunteer
)		seeking to have re-addressed in this lawsuit?	19		room mother and volunteered and those are the
)	Α	Other than?	20		three of my children that were involved in the
ı	Q	Other than what you just told me.	21		Perkins Schools.
2	A	The accommodations, well, let me think here.	22	Q	So as a result, is it fair to say that you've
3		That I think they made it a little difficult	23	~	
ļ		sometimes for me to do my job.	24		developed a lot of a close knit relationships
	Q		l		within the Perkins School community?
•	Q	Okay. Again, related to a physical issue?	25	Α	You mean friendships?
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		800-247-8360			800-247-8360
		14		_	16
	A	Yes.	1	Q	Relationships, close knit relationships?
2	Q	Okay.	2	Α	Well, maybe. You know, my main concern was
	A	And so yes.	3		taking care of my family and going to work
ŀ	Q	Okay.	4		everyday, I don't know if you have much time fo
•		MR. BELAZIS: Also our claims are set	5		that.
ì		forth in our complaint.	6	Q	Now, I think you told me earlier that it was in
•		MS. GRIGSBY: Understood. Well, I did	7		November of 2010 that you were formally
}		want to clarify on the record, that although your	8		terminated and you stopped working for Perkins
)		Complaint, your amended Complaint contains a	9		earlier in the year, I believe you said in March;
)		claim for age discrimination, based upon the	10		is that correct?
		Court of Appeal's ruling, my understanding is	11	Α	I stopped working, yes.
		that that is not going to be actively pursued?	12	Q	During the period between the date that you
		MR. BELAZIS: That's right. Unless	13	~	
		there's some other legal basis that, that would	14		stopped working and the date you were actually
		allow it and, you know, we can't I wouldn't			informed of your formal termination as a final
;			15		matter, were you, did you receive pay from the
,		completely rule that out. But at least the	16		Perkins Local Schools?
		grounds asserted by the Court of Appeals, or	17	Α	I received yes, I received one check, I forgot
		addressed by the Court of Appeals, those issues	18		for how much, but it was I even forgot about
ı		have been resolved subject to, I suppose, to an	19		it, it wasn't for a lot of money, but.
		appeal to the United States Supreme Court, the	20	Q	When you were placed on suspension pending the
		Sixth Circuit decision with regard to the age	21		resolution of the termination proceedings, did
		discrimination issue.	22		you continue to receive your salary, just for the
;		MS. GRIGSBY: Okay.	23		record?
		BY MS. GRIGSBY:	24	Α	No.
l	^	Mrs. Smith, I know in your teacher termination	25	Q	Okay. Since the date of your termination, have
l	Q	The strain, I know in your teacher termination			
	Q	HUNTLEY REPORTING SERVICE			•
	Q				HUNTLEY REPORTING SERVICE 419-626-4039

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	17	1	Q	19 And what church was that?
1	you applied for and received retirement benefits			
2	from the State Teachers Retirement System?	2	A	St. Peter's and Paul's.
3 A	Yes.	3	Q	In?
4 Q	What is the amount of your monthly pension	4	A	Sandusky.
5	benefit?	5	Q	And did you receive that position?
Α	Geez	6	. A	No.
7	MR. BELAZIS: If you remember.	7	Q	Okay. Were you advised as to why you did not
8 A	It's around, it's a little over 4,000.	8		receive the position?
9 Q	Per month?	9	Α	Yes. She felt that somebody had more experience
10 A	Uh-huh.	10	Q	In the
11 Q	What is the nature of your health insure benefit?	_ 11_	A	Bookkeeper.
12 A	I have to pay for myself and my husband.	12	Q	area of the bookkeeping?
13 Q	How much do you pay per month?	13	Α	Uh-huh.
4 A	You know, without my form I don't know, it's	14	Q	When did you make that application?
15	over 400. It's between \$400 and \$500.	15	A	Oh, gees. Oh
6 Q	Now, as to the nature of the benefits that you	16	Q	Roughly?
17	receive, are the health benefits that you	17	Ā	maybe September or October.
8	received now in any way inferior to the benefits	18	Q	Of this year?
	• •	19	A	No, last year.
19	that you received while you were employed?			
20 A	No.	20	Q ^	Okay, 2013?
21 Q	Apart from your pension and, you know, the	21	A	Uh-huh.
22	availability of the health insurance for which	22	Q	Of course. I'm sorry. But other than that
23	you pay roughly 400 a month, do you receive any	23		application to your church for the bookkeeper
24	other benefits from the State Retirement System,	24		position, you've made no applications for
25	Teachers Retirement System?	25		employment?
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	800-247-8360	_		800-247-8360
i A	18	1	Α	20 No.
	No.	-	Q	
	And are the benefits that you're receiving part	2		Of any sort since your termination?
3	of a defined benefit plan, to your understanding?	3	A	No.
4	MR. BELAZIS: If you know what a	4	Q	Your complaint refers to two particular physical
5	defined benefit plan is.	5		conditions, diabetes and then issues related to a
6	THE WITNESS: No, I don't.	6		cataract surgery and subsequent
7	BY MS. GRIGSBY:	7	Α	Yes.
8 Q	You don't know one way or the other?	8	Q	follow-up problems. My first question to you
9 A	No.	9		is, are you basing your disability claims in this
0 Q	Okay. Since the date that you last received	10		case on any other physical condition than those
1	well, since the date that you were last employed	11		two?
2	by Perkins, have you sought employment by any	12	Α	Mobility.
3	other public entity so as to earn additional	13	Q	Okay. You claim that you have mobility issues?
4	service credits?	14	Α	Uh-huh. Yes.
5 A	No.	15	Q	Are those secondary to your diabetes?
6 Q	You've made no efforts to find such employment?	16	Α	No.
7 A	No.	17	Q	Okay.
8 Q	And I believe you told me earlier that you had	18	A	Oh, some are.
9	not sought any private employment; is that	19	Q	Okay. Can you be very specific about the
20	correct?	20	_	mobility issues and what you believe are related
11 A	Correct.	21		to the diabetes and what you believe are not?
22 Q	Okay. Now, your complaint I'm sorry, go	22		
		23		MR. BELAZIS: Before you answer, you're
23	ahead, if you want to amend that.			asking her for a your question calls for a
24 A	Yes, I do. I did apply at my church for a	24		medical opinion, she's not qualified to provide
	bookkeeper's job.	25		those. You can just tell her your understanding.
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	000 247 0260			

1 BY MS. GRIBSBY: 2 Q That's what Pim looking for, your personal and understanding. 3 understanding. 4 A The neuropathy in my feet. 5 Q Unhub: 5 A Tel's very bad in my feet and up my logs. 6 A Tel's very bad in my feet and up my logs. 7 Q And that is secondary to disbetes, correct? 8 A No, I think it a caused from disbetes. 9 Q That's what I meant. 10 A Okay. And in my arms. 11 Q So you have — 12 A Neuropathy. 13 Q — neuropathy in both your lower extremities and 14 your hands, which are related to the disabetes? 14 A Lit's many in the feet? 15 A Yes. 16 Q When did those conditions first begin to manifest themselves? 17 That would be useful. 18 Q Oh, boy. Probably — oh, it's been awhille now. 19 I can't give you an exact date, but it's been a very long time. If you want me to give you a time frame — very long time. If you want me to give you a time frame — very long time. If you want me to give you a time frame — very long time. If you want me to give you a time frame — very long time. If you want me to give you a time frame — very long time. If you want me to give you a time frame — very long time. If you want me to give you a time frame — very long time. If you want me to give you a time frame. 19 A Uhh-huh. 19 Contained from disbetes. 10 Q Not much later do you think? 10 Q Not much later do you think? 11 A Uhh-huh. 12 Q Not how much later do you think? 13 Q Not how much later do you think? 14 A Ves. 15 A Ves. 16 Q Not how much later to were comparing health problems. If you want me to give you a time frame — very long time. If you want me to give you a time frame — very long time. If you want me to give you a time frame — very long time. If you want me to give you a time frame — very long time. If you want me to give you a time frame — very long time frame — very long time. If you want me to give you a time frame — very long time. If you want me to give you a time frame — very long time frame — very long time. If you want me to give you a time frame — very long time frame — very long time frame — very long ti			Case: 3:11-cv-00560-JRK_Doc #: 103	File	d: 01	L/12/15 6 of 70. PageID #: 806
2 Q Thanks what fin locking for, your personal understanding. 4 A The neuropathy in my feet. 5 Q Uh-huh. 5 A It's very bad in my feet and up my legs. 6 A It's very bad in my feet and up my legs. 7 Q And that is economary to diabetes, currect? 8 A No, I think it's caused from diabetes. 9 Q Thic's what I meent. 10 A Oley, And in my arms. 11 Q So, you have: 12 A Neuropathy. 13 Q - reuropathy in both your lower extremities and 14 your hands, when did you have that conversation with hm? 14 A Ves. 15 A Yes. 16 Q When did those conditions first begin to manifest themselves? 17 Uh-huh. 18 Q When did those conditions first begin to manifest themselves? 18 A Oly, Dry. Probably - dry, it's been a weight of the diabetes. 19 Q The two did be useful. 19 Q When did those conditions first begin to manifest themselves? 19 Q The two did be useful. 19 Q When did those conditions first begin to manifest themselves? 10 Q No. Probably in the late 90's, in the middle 90's, late 90's. 11 A Oley. And this is good between a wery long time. If you want me to give you a time frame— 12 Q The two did be useful. 19 Q When did those conditions first begin to manifest themselves? 10 Q No. Probably in the late 90's, in the middle 90's, late 90's. 11 A Oley. And this transplace is the series of the catarract surgery complications? 12 Q A Neuropathy. 12 Q No. The feet and the legs. 13 A - probably in the late 90's, in the middle 90's, late 90's. 14 A Search and the legs. 15 A Yes, It's, you know, the older you get it progresses. 15 A Yes, It's, you know, the older you get it progresses. 16 A Yes, Yes, and did that combinen then progress and become— 2 Q Would that the before or after your remniation that you head on the combinent that you have any displaced problems. I do what I have to do to survive, but I'm and hard issues related to the progresses. 19 A Well, you know, I don't usually talk about my personal health problems. I do what I have to do to survive, but I'm and hard issues problems to do to survive, but I'm and hard issues problems to			21			23
January and the regard to probably in my feet. A The neuropathy in my feet. A The neuropathy in my feet. A The neuropathy in my feet and up my legs. A It's very bad in my feet and up my legs. A No, I think it's caused from diabetes, correct? A No, I think it's caused from diabetes. B A No, I think it's caused from diabetes. B A No, I think it's caused from diabetes. B A No, I think it's caused from diabetes. C A No, I think it's caused from diabetes. B A No, I think it's caused from diabetes. B A No, I think it's caused from diabetes. C A No, I think it's caused from diabetes. B A Olay. And in my arms. C And would that have been in the 2005 time frame? And would that have been in the 2005 time frame? And would that have been in the 2005 time frame? And would that have been in the 2005 time frame? And would that have been in the 2005 time frame? And would that have been in the 2005 time frame? And would that have been in the 2005 time frame? And would that have been in the 2005 time frame? And would that have been in the 2005 time frame? And would these canditions first begin to manifest the diabetes? A No. I the diabetes and the legs. A Oh, boy, Probably oh, it's been a wery long time. If you want me to give you a were warning time that a second to you think? And the frame Angele later. I knew that I had to wear a year had have been in the 2005 time? And the frame Angele later. I knew that I had to wear a year had have been in the 2005 time? And the frame Angele later. I knew that I had to wear a year had have been in the 2005 time? And the frame Angele later. I knew that I had to wear a year had have were comparing health problem the part of wear and the end of the properties. A No. I wan it is a the second the sea of the part of the par		_		1		Uh-huh.
4 The neuropathy in my feet. 5 Q Uh-hub. 6 A It's very bad in my feet and up my legs. 7 Q And that is secondary to diebetes, curren? 8 A No, think it's caused from diabetes. 9 Q That's what I meant. 10 Q Aoky, And in my arms. 11 Q A Neuropathy. 12 A Neuropathy. 13 Q		Q		2	Q	Mr. Gasteier?
5 Q Un-hun. A It's very bad in my feet and up my legs. A No. 2 think it's caused from diabetes. SA Olosy, And think it was — oh, boy on think? SA Olosy, And think it's caused from think of work and pared think it's been and a very caused think it's caused from think of work and pared think it's been and a very caused think it's caused from think of work and pared think it's been and think it's caused fro	3		3	3	Α	Uh-huh.
A It's very bad in my feet and up my legs. A No, It think it's caused from disbetes, correct? A No, It think it's caused from disbetes. That's what I meant. B A No, It meant.	4	Α	The neuropathy in my feet.	4	Q	When did you have that conversation with him?
7 Q And their is secondary to diabetes, correct? 8 A No, It think it's caused from diabetes. 9 Q That's what I meant. 10 Q Soy to have 11 A Neuropathy. 12 A Neuropathy. 13 Q neuropathy in both your lower extremities and your hands, which are related to the diabetes? 14 Yes. 15 A Yes. 16 Q When did those conditions first begin to manifest themselves? 17 Urbend in those conditions first begin to manifest themselves? 18 A Oh, boy. Probably oh, it's been awhile now. 19 very long time. If you want me to give you a time frame 19 very long time. If you want me to give you a time frame 19 very long time. If you want me to give you a time frame 19 very long time. If you want me to give you a time frame 19 very long time. If you want me to give you a time frame 19 very long time. If you want me to give you a time frame 19 very long time. If you want me to give you a time frame 19 very long time. If you want me to give you a time frame 19 very long time. If you want me to give you a time frame 19 very long time. If you want me to give you a time frame 19 very long time. If you want me to give you a time frame 19 very long time. If you want me to give you a time frame 10 Q Q Would have beefon. 10 Q Q Would have beefon and the legs. 11 Vas an anifesting itself before I left. 12 Q Would have beefons or after your termination that you began to develop issues with your hands? 14 A Well, you know, I don't usually talk about my opersonal health problems. I do what I have not do to survive, but I'm not a person who talks about the more your diabete? 19 A Well, you know, I don't usually talk about my opersonal health problems. I do what I have not do to survive, but I'm not a person who talks about the health of the cateractions with Perkins Schools administrators about your arthritis issues? 19 A Well, you know, I don't usually talk about my opersonal health problems. I do what I have not on a decaded the town of the survive of the survive of the cateraction of the volume to the catera	5	Q	Uh-huh.	5	Α	Oh, I think it was oh, boy, you ask for dates
8 A No. I think it's caused from diabetes. 9 C Theirs what I meant. 9 C And Valley And in my arms. 10 A Okay. And in my arms. 11 A May be later. 12 A Neuropathy. 13 C neuropathy in both your lower externities and your hands, which are related to the diabetes? 14 Yes. 15 A Ves. 16 C When did those conditions first begin to manifest themselves? 17 A Oh, bov. Probably oh, it's been a while now. 18 C Oh, bov. Probably oh, it's been awhile now. 19 I can't give you an exact date, but it's been a very long time. If you want me to give you a time frame very long time and the legs. 18 A Oh, bov. Probably oh, it's been and the fear? 19 C Thet would be useful. 19 C The would be useful. 20 C The would be useful. 21 C The would be useful. 22 A And that would be with regard to both the hands HUNTLEY REPORTING SERVICE 419-626-4039 20 C/ey. And did that condition then progress and become 4 Decome 4 D		Α	It's very bad in my feet and up my legs.	6		on conversations here.
yer continued by the second three second thr	7	Q	And that is secondary to diabetes, correct?	7	Q	The best you can.
9 Q. Tlat's what I meant. 9 A Okay. And in my arms. 10 Q. So you have: 11 A. Neuropathy. 13 Q. So you have: 14 A. Neuropathy. 15 Q. So you have: 16 Q. When did those conditions first begin to manifest the patch and we were comparing health problem the patch and were comparing health problem the patch and we were comparing health problem the patch and w	8	Α	No, I think it's caused from diabetes.	8	Α	Okay. And this is going back to after my eye
10 A Okay. And in my arms. 10 C So you have as: 21 A Neuropathy. 22 A Neuropathy. 23 C neuropathy in both your lower extremities and you present the diabetes? 24 A Yes. 25 A Yes. 26 C When did those conditions first begin to manifest themselves? 27 A Okay. How much later. I knew that I had to wear a patch for my eye and he asked me one day about the patch and we were comparing health problem with diabetes? 26 C When did those conditions first begin to manifest themselves? 27 A Oh, nov. Probably — oh, it's been awhile now. 28 I can't give you an exact date, but it's been a very long time. If you want me to give you a time frame — very long time. If you want me to give you a time frame — very long time. If you want me to give you a time frame — very long time. If you want me to give you a time frame — very long time. If you want me to give you a time frame — very long time. If you want me to give you a time frame. 29 C That would be useful. 20 A Ad that would be with regard to both the hands HUNTLEY REPORTING SERVICE 419-626-4039 20 And that would be with regard to both the hands hecome — very long did that condition then progress and become — very long did that condition then progress and did you first begin to notice the symptoms? 24 A No, the feet and the legs. 25 A Yes, it's, you know, the older you get it progresses. 26 A Yes, it's, you know, the older you get it progresses. 27 A Robert And then with regard to your hands, when did you first begin to notice the symptoms? 28 A Vest, he was manifesting itself before I fieft. 39 A It's been a few years now. I can't give you an exact date. You know, this is something I talk about with my doctor. 30 C Would that be before or after your termination that you began to develop issues with your hands? 31 A Pesca-4039 32 C Would that be before or after your termination that you began to develop issues with your hands? 32 A Yes and the feet? 33 A Yes and the feet? 34 A I Well, you know, I don't usually talk about my personal health problems. I do what I have to do to	9	Q	That's what I meant.	9		
11 Q So you have — 11 A Maybe later. 22 A Neuropathy. — neuropathy in both your lower extremities and your hands, which are related to the diabetes? 14 your hands, when did those conditions first begin to mainfest the patch and we were comparing health problem with patch as a result of the you both suffering from that? 3 A Oh, boy. Probably — oh, it's been a very long time. If you want me to give you a time frame — 21 your both suffering from that? 4 Uh-huh. 12 you both suffering from that? 4 Uh-huh. 12 you both suffering from that? 5 Q That would be useful. 22 you had as a result of the cataract surgery of yes. 24 yes. 24 yes. 5 Q And that would be with regard to both the hands HUNTLEY REPORTING SERVICE 449-626-4039 800-247-8360 22 and the feet? 23 A Yes. 3 Q Cytay. And did that condition then progress and become — 40 you first begin to notice the symptoms? 4 Yes. 4 Yes. 5 A Yes, it's, you know, the older you get it progresses. 6 A Yes, it's, you know, this is something I talk about with my doctor. 9 A It's been a rew years now. I can't give you an exact date. You know, this is something I talk about with my doctor. 10 Q Would that be before on after your termination that you began to develop issues with your hands? 11 A Uh-huh. 12 you both suffering from that? 12 Yes. 13 A Yes. 14 Yes. 15 A Yes, it's you know the ledge 90's, in the middle 90's, late of the cataract surgery, it Huntley Reporting SERVICE 449-626-4039 800-247-8360 24 Yes. 25 A Yes, it's you know, the something I talk about with my doctor. 26 Would that be before on after your termination that you began to develop issues with your hands? 17 A Oka	10	Α	Okay. And in my arms.	10	Q	_
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		Case: 3:11-cv-00560-JRK_Doc_#: 103_	FIIE	u. u	27
1		the osteo, the eye surgeries. Yes, I probably	1	Α	That's correct.
2		had sleep apnea, but I don't know how he wrote	2	Q	Okay. Have you ever taken the position that "I
3		the complaint.	3	Œ	do fall asleep at inappropriate times and,
4	Q	Well, I'm asking your understanding. At the time	4		therefore, I need accommodations to deal with
1	Q				·
5		that you were employed by Perkins Schools, do you	5		that sleeping problem;" have you ever taken that
		consider that you had a physical disability	6	٨	position?
'		related to a sleeping problem?	7	A	In the beginning Mr no.
8	A	No.	8	Q	Okay.
9	Q	And therefore, you never sought any	9	A	In my mind, no.
10 11		accommodations to deal with a sleeping problem, correct?	10 11	Q	Okay. And so your consistent position has always been "I don't have a problem falling asleep at
12	Α	Well, yes. As far as the diabetes goes, is that	12		inappropriate times?"
13		what you	13		MR. BELAZIS: I think she's already
14	Q	Well, I'm separating diabetes and a sleeping	14		answered that.
15		problem in which you a sleeping problem	15		MS. GRIGSBY: I just want to make sure
16		which	16		I understand it again.
17	Α	My sleeping problem was controlled.	17	Q	That is your position?
18	Q	Okay. So your sleeping problem was controlled	18	A	Yes.
19	~	and was not the reason why you sought	19	Q	Okay. Now, concerning your diabetes, a few
20		accommodations rather?	20	~	generalized questions about
21	Α	No.	21	Α	
22	Q	Okay. Is my statement correct?	22	Q	Can we go back to that last question again? Sure. We can have the reporter read it back.
23	A	No.	23	Q	•
24	Q	Okay. Did you seek accommodations as a result of	24		THEREUPON, the Reporter read the requested portion of the record.
25	Q	a physical problem related to sleeping as opposed	25	Α	•
25		HUNTLEY REPORTING SERVICE	25	А	I don't have a problem falling asleep at
					HUNTLEY REPORTING SERVICE
		419-626-4039			419-626-4039
· con		800-247-8360			800-247-8360
		26	١,		28
_					inamunamulata timan
		to diabetes?	1	0	inappropriate times.
2		MR. BELAZIS: Do you understand what	2	Q	Is that a true statement?
3		MR. BELAZIS: Do you understand what she's asking you?	2 3	Α	Is that a true statement? No, it's kind of a
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		Case: 3:11-cv-00560-JRK Doc_#: 103	File	d: 0	
١.		29	١.		31
1		MS. GRIGSBY: Problem.	1	_	is that what you're referring to?
2		MR. BELAZIS: that causes her to	2	Α	No, I No, that's I needed a place to go and
3		fall asleep at inappropriate times and she's, to	3		test my sugar and take my insulin.
4		the best of my knowledge, not sought	4	Q	And did you have conversations with the school
5		accommodations for that kind of problem.	5		administrators about that prior to your, the
	}	MS. GRIGSBY: Very good. Thank you,	6		request that were made through Mr. Zraik?
7		sir.	7	Α	Yes.
8		BY MS. GRIGSBY:	8	Q	Okay. When did you make those requests?
9	Q	Let's talk about your diabetes.	9	Α	Oh, geez. Mr. Gasteier gave me an accommodation
10	Α	Okay.	10		at the high school and that was in I can't
11	Q	My understanding, based on some of the documents	11		remember the date.
12		that I've seen, is that you were diagnosed with	12	Q	But it was sometime prior to the fall of 2008
13		diabetes in 1992?	13		when Mr. Zraik became involved on your behalf?
14	Α	Yes, that's about the time.	14	Α	Yes, I had yes.
15	Q	And from 1992 to 1999 that you were not insulin	15	Q	And when you requested a place that you might go
16		dependant, that came about the 1999 time frame?	16		to perform the insulin injections, what
17	Α	No.	17		accommodations were you given?
18	Q	No?	18	Α	At the high school?
19	Ā	It came a little sooner than that.	19	Q	Yes, ma'am.
20	Q	When?	20	A	Mr. Gasteier gave me the key. There was an
21	Ā	Maybe around '96 or '97.	21		upstairs bathroom not being used and he gave me
22	Q	Okay. At the point of your diagnosis did you	22		the key and it was very private
23	~	take any steps to inform your superiors at	23	Q	Okay.
24		Perkins of your condition?	24	A	·
25	Α	Yes.	25	Q	and I was able to do very well there.
23	^	HUNTLEY REPORTING SERVICE	25	W	Okay. And was that accommodation ever withdrawn?
		419-626-4039			HUNTLEY REPORTING SERVICE
		800-247-8360			419-626-4039
		30	+-		800-247-8360
	Q	Anything other than the conversation you had with	1	Α	32 No.
2	_	Mr. Gasteier that we spoke of earlier?	2	Q	Okay. I'd like to talk a bit about the issues
3	Α	No. I think I told I'm trying to think who	3	· ·	related to your eye condition.
4	,,	was principal. Mr. Scheckelhoff knew. Let's see	4	Α	Okay.
5		who was after Scheckelhoff, I'm trying to think.	5	Q	-
6		Mr. Scheckelhoff knew and Mr. Gasteier knew.	6	W.	Reviewing your discovery responses, it appears
7	Q	And in that mid 90's time frame they were made	7		that you've been treated by a Dr. Shields, a
8	· ·	aware?	8	۸	Dr. Gans, and a Dr. Sears
9	Α		9	Α	Uh-huh.
10	^	In fact, all my principals knew that I was		Q	for issues related to your eyes?
11	Q	diabetic from the time I was diagnosed. Okay. And from the period of, let's say, the	10	A Q	Yes.
12	Q	•	11	Q	Can you tell me, you know, which what kind of
13		decade of the 2000 through 2008, did your	12		care was provided, or treatment was provided, by
		diabetes limit your ability to perform your job	13		each of these individuals? I mean, is one an
14	۸	as a teacher?	14		optometrist, an ophthalmologist, can you kind of
15	Α	I don't think so.	15		just give me a little thumbnail sketch on what
16 47	Q ^	Okay.	16		each did you for you?
17	A	There are no. No.	17	A	Dr. Shields removed the cataract.
18	Q	Okay. And prior to 2008, in the fall of 2008,	18	Q	Uh-huh.
19		had you sought or requested any accommodations to	19	A	And four days later I went blind in that eye.
20		enable you to perform the functions of your job	20	Q	In which eye was that?
21		as a result of your diabetes?	21	A	The right eye.
22	Α	Yes. I looked for accommodations to test my	22	Q	Okay.
23	_	sugar and to take my insulin.	23	Α	And he did not know what he was looking at and
24	Q	And we're going to talk about that. The requests	24		immediately sent me to the Cole Institute at the
i i	ÿ	that were made through your attorney, Mr. Zraik	25		Cleveland Clinic.
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	_	33	١,	_	35
1	Q	And that was in 2005?	1	Q	November of 2005?
2	A	That was in yes.	2	A	Uh-huh.
3	Q	The summer of 2005?	3	Q	That's your second emergency surgery?
4	Α	July of 2005.	4	Α	That was not an emergency, he knew that he had to
5	Q	July of 2005. So after this complication that	5		take that off
)	followed removal of the cataract, you were sent	6	Q	Okay.
1		to the Cole Eye Clinic and who did you see there?	7	Α	and he just set a date as it progressed.
8	Α	Dr. Ufret and Dr. Sears	8	Q	Okay. I see. Okay. Have you had any other
9	Q	Okay.	9		surgeries?
10	Α	first.	10	Α	On this eye?
11_	Q	And what did they do for you?	11	Q	Or either of them.
12	Α	It was an intense, a very intense, program of	12	Α	Yes. In the following spring of 2006 the
13		antibiotics in the eye every hour around the	13		infection pushed the eye to the right and they
14		clock, and I was there everyday of the week for	14		had to operate on some muscles to put it back
15		two weeks.	15		into place.
16	Q	Okay. Again, in the summer of 2005?	16	Q	To pull it into place?
17	Ā	Yes.	17	A	Uh-huh. I forgot what it was called, I forgot.
18	Q	Okay. And were you released then after two weeks	18	Q	So is the 2006 surgery the last surgery you had
19	•	from their care?	19	×	3 , .
20	Α	I have not been released since.	20	Α	concerning your eyes?
21	Q	Okay. So after the two-week regimen of	1	A	Yes, but he just informed me I'm going to need
22	Q		21	_	another one.
23		medication to deal with the infection, what	22	Q	And that's sometime here in 20
1		happened next concerning your eye?	23	A	It will be this year.
24	Α	It was the first day back to school, August 25th	24	Q	14?
25		of 2005, and I had a, just an intense pain behind	25	Α	Uh-huh.
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h /		the eye, and my department head walked in and she	1	Q	Okay. But from the time period of 2006, to your
2		said, "Carol, you look terrible." And I said,	2		termination in 2010, you had no further eye
3		"Jan, I have pain," and she says, "Go call your	3		surgeries?
4		doctor," and he made me come right there.	4	Α	No.
5	Q	Okay.	5	Q	Now, Dr. Sears, you told me about a Dr. Shields,
6	Α	And that was the first emergency surgery.	6		who is Dr. Gans?
7	Q	And that was the first day of school in the	7	Α	Dr. Gans did the first emergency surgery, the
8		2005-2006?	8		date, done August 25th.
9	Α	I had lost my sight until I got there again.	9	Q	After your surgery in 2006, for, to pull the eye
10	Q	Okay. And you had some emergency surgery in that	10		back into place
11		late August time frame of 2005?	11	Α	Uh-huh.
12	Α	Yes. Uh-huh.	12	Q	how frequently did you seek treatment at the
13	Q	Okay. How many other surgeries have you had	13		Cole Eye Institute?
14		since that one	14	Α	Dr. Sears for two, I think it was two years after
15	Α	In November	15	-	that saw me twice a year, and then last year and
16	Q	concerning your eyes?	16		this year it's been once a year.
17	Ā	In November of 2005 I had, it's called a	17	Q	Okay. So from the conclusion of your surgery in
18		vitrectomy, and it they actually took the eye	18	~	2006 to 2010 you had two visits a year at the
19		apart to remove a membrane and Dr. Sears said if	19		Cole Eye Institute?
20		they didn't get that off I would be permanently	20	Α	•
21		blind in that eye.	21	^	No I don't know. Let's see, 2006, 7, 8. I
22	Q	So you had this vis	l		know I had two visits. I can't remember 2009.
	_		22	_	In 2010 I think I only had one.
23	Α	It's a vistrectomy.	23	Q	Okay. And were those sort of checkups, just
21	Q	vistrectomy in August of 2005?	24		monitoring your condition?
	A	No, that was in November.	25	Α	Yes. The last couple have been, yes.
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and the eye questions regarding the eye issue can we take a break? MS_GRIGSBY: We can do it right now. MS_GRIGSBY: A can yet can be conversation you had with Mr. Gasteler conversation give the carbon drive provides school administrators at Perkins concerning the eye surgetise and the complications from the carbaract removal and me with I wore the patch Mr. Gasteler asked me me with I wore the patch Mr. Gasteler asked me me with I wore the patch Mr. Gasteler asked me with I wore the patch Mr. Gasteler asked me with I wore oncoversations with other administrators concerning those issues? MS_GRIGSBY: At any time. MS_GRIGSBY: At what point? MS_GRIGSBY: At any time. MS_GRIGSBY: At what point? MS_GRIGSBY: At any time. MS_GRIGSBY: At what point? MS_GRIGSBY: At any time. MS_GRIGSBY: At what point? MS_GRIGSBY:	as the eye questions regarding the eye issue consistency and the cataract real and the sum takes a break? We can do it right now. TIERRUPON, there was a brief recess. Colory, are you ready to resume? Colory, are your ready to resume? Colory, and with Irr. Gasteler concerning the patch, what information did you provide school administrators at Perkins concerning the eye surgeries and the complications from the cataract removal? Colory. But do you have any particular recollection of a discussion concerning the eye surgeries and the complications from the cataract removal? Colory. But do you have any particular recollection of a discussion concerning the experience? Colory. But do you have any particular recollection of a discussion concerning the cataract removal? Colory. But do you have any particular recollection of a discussion concerning the cataract removal? Colory. But do you have any particular recollection of a discussion concerning the cataract removal? Colory. But do you have any particular recollection of a discussion concerning the cataract removal? Colory. But do you have any particular recollection of a discussion concerning the cataract removal? Colory. Mile and you have any other conversations with other administrators concerning those issues? Colory. Mile and you have any other conversations with the complications? Colory. Mile and you have any other conversations with the complications? Colory. Mile and you have any other conversations with the confliction of a discussion concerning the cataract removal? Colory. Mile and you have any other conversations with the confliction of a discussion concerning the colory. Colory. Mile and you have any other conversations with the colory. Colory. Mile and you have any other conversations with the colory. Colory. Mile and your discussion than the colory. Colory. Mile and your discussion than the colory. Colory. Mile and		Case: 3:11-cv-00560-JRK_Doc_#: 103	Filed	d: 01	
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an we take a break? S GRIGSBY: We can do it right now. TIRREUPON, there was a brief recess. Q Okay, are you ready to resume? A Yes. Q What information, other than the conversation you had with Mr. Gasteler concerning the patch, what information did you provide school administrators at Everifies concerning the patch, what information did you provide school administrators at Everifies concerning the patch what information did you provide school administrators at Everifies concerning the patch Mr. Gasteler asked me why I wore the patch Mr. Gasteler asked me why I wore the patch Mr. Gasteler asked me why I wore the patch Mr. Gasteler asked me why I wore the patch Mr. Gasteler asked me why I wore the patch Mr. Gasteler asked me why I wore the patch Mr. Gasteler asked me why I wore the patch Mr. Gasteler asked me why I wore the patch Mr. Gasteler asked me with I more applications? A — and I told him. Q Diay, Did you have any other conversations with other administrators concerning those issues? MR. BELZIS: A what point? MR. BELZIS: You mean at that complications from the cataract about the complications from the cataract asked me in his office. HUNTLEY REPORTING SERVICE 419-626-039 800-247-8360 When did that happen? A Oh, probably in — I'm trying to think, '09, '08, January of '08. When did that happen? A Oh, probably in — I'm trying to think, '09, '08, January of '08. When did match appen? A Oh, probably in — I'm trying to think, '09, '08, January of '08. A Uh-tuh. Q And is ti your testimony that during the course of that meeting at one point with Dr. Gunner and your attorney, Mr. Zraik, or some other time? A Ves. A Geez, I don't remember all that. Q Okay. A — the actual meeting, but everything that was said, I know that I tool him the physical problems that I had. Q Did those problems — I assume you reported about the diabetes, you discussed that with him? A — the actual meeting, but everything that was said, I know that I told him the physical problems that I had. Q Mand do you have a sp	3 A Just, he talked mostly about the diabe 4 M.S. CRIGSBY: We can do it right now. 5 THEREUPON, there was a brief recess. 6 Q Okay, are you ready to resume? 7 A Yes. 8 Q What information, other than the conversation you had with Mr. Gasteier concerning the peath, what information did you provide school administrators at Perkins concerning the eye surgeries and the information did you provide school administrators at Perkins concerning the eye surgeries and the information did you provide school administrators at Perkins concerning the eye surgeries and the experience? 11 A Well, since I wore the patch Mr. Gasteier asked me why I wore the patch Mr. Gasteier asked					about the issues related to the cataract removal
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TitEREUPON, there was a brief recess. Q Obey, are you ready to resume? A Yes. What information, other than the conversation you had with Mr. Gasteler concerning the patch, what information did you provide school administrators at Denkins concerning the patch, what information did you provide school administrators at Denkins concerning the patch, what information did you provide school administrators at Denkins concerning the east segment and the subsequent complications from the cataract removal? A Well, since I wore the patch Mr. Gasteler asked me why I wore the patch Mr. Gasteler asked me why I wore the patch Mr. Gasteler asked me why I wore the patch Mr. Gasteler asked during the set issues? A With Dr. Gunner. A With Dr. Gunner. Whith Dr. Gunner. When did you have conversations with Dr. Gunner about the complications from the cataract suggery? When did you have conversations with Dr. Gunner about the complications from the cataract suggery? When did that happen? A When did wo have conversations with Dr. Gunner about the complications from the cataract suggery? When did that happen? When did wo have any other conversations with Dr. Gunner about the complications from the cataract suggery? When did that happen? A Oh, probably in I'm trying to think, '199, '08, January of '08. When did that happen? A Oh, probably in I'm trying to think, '199, '08, January of '08. A Well with during a meeting with Mr. Zraik, or some other time? A Object A Object A Complications? A Geaz, I don't remember all that. A Clear, I don't re I remember the meeting of bett meeting, but everything that was said, I know that I told him the physical problems that I had. A Did how there a specific recollection one way or the other, of whether or not you also talked HUNTLEY REPORTING SERVICE HUNTLEY REPORTING SERVICE HUNTLEY REPORTING SERVICE A Geaz, I don't remember all that. A Clear, I don't re I remember the meeting of bett meeting, but everything that was said, I know that I told him the physical	TiteReUPON, there was a brief recess. Q Okay, are you ready to resume? Ves. What information, other than the conversation you have with Mr. Casteler concerning the patch, what information did you provide school administrators at Perkins concerning the eye surgeries and the complications from the cataract removal? Well, since I wore the patch Mr. Gasteler asked me why I wore the patch Mr. Gasteler asked other administrators concerning the eye surgeries and the why I wore the patch Mr. Gasteler asked me why I wore the patch Mr. Gasteler asked other administrators concerning the eye surgeries and the use of the discussion concerning the ewe surgeries and the subsequent complications? Mell, since I wore the patch Mr. Gasteler asked me why I wore the patch Mr. Gasteler asked other administrators concerning the object of a discussion concerning the cataract removal? MR. BELAZIS: At what point? MR. BELAZIS: At what with Mr. Zak, any time. MR. BELAZIS: At what point? MR. BELAZIS: At what with Mr. Zak, any time. MR. BELAZIS: At what point? MR. BELAZIS: At what with Mr. Zak, any time. MR. BELAZIS: At what with Mr. Zak, any time. MR. BELAZIS: At what with Mr. Zak, any time. MR. BELAZIS: At what with Mr. Zak, any time. MR. BELAZIS: At what with Mr. Zak, any time. MR. BELAZIS: At what with Mr. Zak, any time. MR. BELAZIS: At what with Mr. Zak, any time. MR. BELAZIS: At what with Mr. Zak, any time. MR. BELAZIS: At what with Mr. Zak, any time. MR. BELAZIS: At what with Mr. Zak, any time. MR. BELAZIS: At what with Mr. Zak, any time. MR. BELAZIS: At what with Mr. Zak, any time. MR. BELAZIS: At what with Mr. Zak, any time. MR. BELAZIS: At what with Mr. Zak, any time. MR. BELAZIS: At what with Mr. Zak, any time. MR. BELAZIS: At what with Mr. Zak, any time. MR. BELAZIS: At what with Mr. Zak, any time. MR. BELAZIS: At what with Mr. Zak, any time. MR. BELAZIS: At	C	can we take a break?	3	Α	Just, he talked mostly about the diabetes,
Q Cleay, are you ready to resume? 6	Q Okay, are you ready to resume? 6 8 Q What information, other than the conversation you had with Mr. Gasteier concerning the patch, what in formation did you provide school administrators in formation did you provide school administrators in formation did you provide school administrators in the cataract removal? 11 A Pest. 20 Cay, But do you have any particular recollection of a discussion concerning the eye surgeries and the complications from the cataract removal? 12 Q Cay, But do you have any particular recollection of a discussion concerning the eye surgeries and the cataract removal? 12 Q Cay, But do you have any particular recollection of a discussion concerning the cataract removal and the subsequent complications? MR. BELAZIS: You mean at that particular time? MR. BELAZIS: You mean at that particular time? MR. BELAZIS: A think point? MR. BELAZIS: You mean at that particular time? MR. BELAZIS: You mean at that particular time? MR. BELAZIS: A think point? MR. BELAZIS: You mean at that particular time? MR. BELAZIS: You mean at that particular time? MR. BELAZIS: You mean at that particular time? MR. BELAZIS: A time with Mr. Z. Q A anytime with Mr. Gunner, or Dr. Gunner Yes. A With Dr. Gunner A Q Was it during a meeting with Mr. Zraik, or some A Q Was it during a meeting with Mr. Zraik, or some A Q With Gunner A With Dr. Gunner A Q W		MS. GRIGSBY: We can do it right now.	4		because he told me that he had a daughter that
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or the other, of whether or not you also talked HUNTLEY REPORTING SERVICE 419-626-4039 25 conversation with Dr. Gunner concerning the HUNTLEY REPORTING SERVICE 419-626-4039				- 1	•	
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_		41	.		43
1	_	cataract surgery?	1	_	assume the position of superintendent?
2	Α	Uh-huh.	2	Α	I believe it was in the summer of 2008.
3	Q	What was said and tell me everything you can	3	Q	Going into the 2008-09 school year.
4		remember about that conversation?	4	Α	Yes.
5	Α	I can't re you know, I can't remember	5	Q	Is it true that after you received a continuing
)	everything we discussed in those meetings	6		contract in 1980 you were actually not formally
7		anymore, this is four years now. I think it was	7		evaluated each year?
8		the I think it was the meeting he had with me	8	Α	I think the contract said for continuing teachers
9		in his office when he discussed my, the following	9		it was every three years.
10		year possibilities, 2009-2010 possibilities,	10	Q	And as a matter of fact, is it true, that you
1		because he asked me about my, he called them	11		were not formerly evaluated every single year
2		handicaps.	12		from 1980 forward?
3	Q	Okay. So you had a conversation with Mr. Finn	13	Α	No, I was evaluated almost every year there for
4	_	and Dr. Gunner in anticipation of the 2009-2010	14	^	awhile.
5			15	Q	
	۸	school year?		Q	Were there years that you were not formerly
6 7	A	Not with Mr. Finn, with Dr. Gunner.	16		evaluated?
	Q	Was anybody else present for the conversation?	17	A	Yes.
3	A	Just Dr. Gunner and myself.	18	Q	Based upon what I read in the transcript from the
9	Q	And you had a conversation in which you were	19		termination hearing, it appeared that there were
0		discussing what your teaching duties would be the	20		no formal evaluations from 1999 to June 2007; is
1		following year?	21		that correct?
2	Α	Yes.	22	Α	I don't know. I'm not sure.
3	Q	Okay. And during the course of that conversation	23	Q	Okay. What is your recollection of evaluations
4		there was some discussion of handicaps that you	24		during the 1999 to June 2007 time period?
5		might have?	25	Α	I know that there were once or twice that I got a
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		800-247-8360			800-247-8360
		42			44
	Α	No. Just briefly he mentioned my diabetes, my	1		notice that I was going to be evaluated.
2		eyes, and if it's affecting my teaching.	2	Q	And did that come to pass?
3	Q	And he asked you that question?	3	Α	You know, I can't remember, because Mr. Gastei
4	Α	No, he commented on it, he did not make a	4		was in my room a couple of times and I don't know
5		question.	5		if he was there to evaluate or not. I'm sure it
3	Q	What did he say?	6		was I'm not sure.
7	Α	He says that, you know, he's concerned about a	7	Q	Okay. Is it fair to say, from 1999 to June of
8		lot of things, if I'm able do the job, because I	8		2007, there were very few formal evaluations
9		have all of these issues with diabetes, with	9		conducted of you?
0		neuropathy, with eyes, and then he proceeded to	10	Α	Yes.
1		offer me two and a half opportunities.	11	Q	In retrospect, do you think that is, the failure
2	Q	Okay. And how did you respond to his inquiry	12	Q	· · · ·
3	· ·	about his concerns?	1		to conduct regular evaluations, was something
ა 4	Α		13	٨	that the prior superintendent let drop?
4 5	~	I told him that my eyes are okay, I can see, and	14	A	I don't think so, at all.
		I told him that my diabetes is under control, and	15	Q	Okay. You think that the prior superintendent
6		I told him that I was able to fulfill my teaching	16		was, had no concerns with the fact that you had
7	_	duties.	17		very few evaluations during that time period?
8	Q	Okay. A side note, just, was it Dr. Elias	18	A	I don't know, I can't answer that.
9		Traboulsi who performed	19	Q	Prior to Dr. Gunner's arrival did any school
0	A	Dr. Traboulsi.	20		administrator ever express any performance
1	Q	Traboulsi that performed the recision?	21		concerns to you?
2	Α	Yes.	22	Α	Steve Finn did at the junior high.
3	Q	Okay. I just wanted to make sure of that.	23	Q	What did Mr. Finn speak with you about?
4	Α	I'm not sure how to say that.	24	Α	I only had one little tiny keyboarding class
	Q	Now, do you know what year Dr. Gunner arrived to	25		there and he told me that I should be walking
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		45		A	That Mr. Baldware words to see
1		around the room, that I can't remember, I	1	A	That Mr. Dahlmann wrote to me.
2		would have to look at that evaluation.	2	Q	On the date of roughly March 21, 2003?
3	Q	When did that evaluation take place?	3	Α	Yes.
4	Α	That was one of them in the last year that I was	4	Q	Okay.
5		there.	5	Α	And he saw me in the workroom upstairs, it was
	Q	What year was that?	6		right next door to my room, I was copying some
1	Α	2000 or that was the second last year.	7		papers. But, yes, I would sometimes run down to
8		2008-2009.	8		the lunch room and get something and run back
9	Q	That would have been subsequent to Dr. Gunner's	9		upstairs to copy papers and to work and things.
10		arrival?	10	Q	He's reporting about a situation in which you
11	Α	No, it was after Dr. Gunner's arrival.	11		were in one room and the students were in another
12	Q	It was after Dr. Gunner's arrival?	12		room?
13	A	Yes.	13	Α	Right next door, right.
14	Q		14	Q	Okay. And he's recounting what he observed
1		Okay. And my question			
15	Α	Or it was 2 yeah, 2008-2009, it was when I was	15	A	Uh-huh.
16	_	at the junior high, 2010.	16	Q	when you were absent from the room?
17	Q	And I'm sorry, perhaps you misunderstood my	17	A	Right.
18		question. My question was, did any school	18	Q	Okay.
19		administrators express performance concerns to	19	Α	But I don't remember four students in there, and
20		you prior to Dr. Gunner's arrival?	20		I told him that when he went over this with me.
21	Α	No.	21	Q	Okay. So you did go over these concerns with him
22	Q	Okay. Did Assistant Principal Mark Dahlmann	22		and he reviewed
23		expressed concerns to you that you had left	23	Α	Well, he gave this to me to read
24		students unsupervised, instead of going to lunch,	24	Q	Okay.
25		sometime in 2003?	25	A	and I told him that I don't remember four
		HUNTLEY REPORTING SERVICE		,,	HUNTLEY REPORTING SERVICE
		419-626-4039			419-626-4039
		800-247-8360			800-247-8360
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		40	I		
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2	A	Where were they unsupervised?	1	0	students being in there.
2	A Q	Where were they unsupervised? Maybe this will help.	2	Q	students being in there. Okay. But this is something you received prior
3	_	Where were they unsupervised? Maybe this will help. MS. GRIGSBY: Let's mark this as an	3		students being in there. Okay. But this is something you received prior to Dr. Gunner's arrival?
3 4	_	Where were they unsupervised? Maybe this will help. MS. GRIGSBY: Let's mark this as an exhibit. And let the record reflect there are	2 3 4	A	students being in there. Okay. But this is something you received prior to Dr. Gunner's arrival? Well, it says, "March 21, 2003."
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		Case: 3:11-cv-00560-JRK_Doc_#: 103_I	-nec	1: UL	
		49	۱,		51
1		THEREUPON, Defendants' Exhibits 2 was marked	1		door or were not in the room, you were not absent
2	_	for identification.	2		from the room due to a physical condition, true?
3	Q	Carol, would you take a moment and review what's	3	A	Not true.
4		been marked as Exhibit 2 and tell me if you can	4	Q	You were gone from the room due to a physical
5	_	recognize that document?	5	_	condition?
	Α	Yes.	6	Α	I let myself there was once or twice when I
1	Q	Okay, what is that document?	7		let myself into the bathroom to give myself an
8	Α	He told me that I shouldn't have showed the movie	8		injection.
9	_	"The Witness" to my business law class.	9	Q	Were those the incidents that caused Mr. Dahlmann
10	Q	And this is Mr. Dahlmann again?	10		to speak with you about leaving students
11	Α	Yes.	11		unattended, or are those other incidents?
12	Q	And this is an incident that occurred with	12	Α	One time was with these kids and one time I was
13		regard in the early part of the 2005-06 school	13		with them.
14		year?	14	Q	Okay. I want to make sure the record is clear on
15	Α	Yes.	15		that point.
16	Q	The date. Okay. And that's all the questions I	16	Α	Uh-huh.
17		have concerning that document. Did you have	17	Q	You can recall two situations in which you left
18		conversations with Mr. Dahlmann during the second	18		students unattended that Mr. Dahlmann spoke with
19		half of the 2007-2008 school year in which he	19		you about?
20		reported that he had found some of your study	20	Α	Yes.
21		hall students working unsupervised in the	21	Q	And there was a third situation in which you
22		computer lab?	22		actually were there?
23	Α	Yes, once.	23	Α	I was there, but
24	Q	And you and he had a conversation about that	24	Q	He didn't see you?
25		topic?	25	Α	Yes, he did see me
		HUNTLEY REPORTING SERVICE			HUNTLEY REPORTING SERVICE
		419-626-4039			419-626-4039
		800-247-8360			800-247-8360
1.7		50			
- 1 (3)		50			52
	Α	Yes.	1	Q	52 Okay.
2	A Q		1 2	Q A	
2 3		Yes.			Okay.
i .		Yes. Okay. Is that the only conversation that you	2		Okay. as I was coming back into the room. I they
3		Yes. Okay. Is that the only conversation that you remember with him concerning the issue of leaving	2 3		Okay as I was coming back into the room. I they were there, I was there with them, and I was
3 4	Q	Yes. Okay. Is that the only conversation that you remember with him concerning the issue of leaving students unsupervised in the computer lab?	2 3 4		Okay as I was coming back into the room. I they were there, I was there with them, and I was working on lesson plans and I ran to my regular
3 4 5	Q A	Yes. Okay. Is that the only conversation that you remember with him concerning the issue of leaving students unsupervised in the computer lab? Twice.	2 3 4 5	Α	Okay as I was coming back into the room. I they were there, I was there with them, and I was working on lesson plans and I ran to my regular room, it was just two doors away
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Γ		Case: 3:11-cv-00560-JRK Doc #: 103	-ilec	1: 01	
4		53	4		55
1		as to go get other materials or to check on	1		her to become shaky and interfering with her
2	Α.	another student?	2		concentration and I think impairing her ability
3	A	No.	3		to answer some of the questions, so
4	Q	Okay. No, there was no physical condition that	4		MS. GRIGSBY: And what I'm going to
5	_	caused you to leave them unsupervised?	5		do
	: A	Not the first two.	6		MR. BELAZIS: So if we need to go back
1	Q	And the second and third one?	7		over those things, that's fine.
8	Α	I just went to go get some materials.	8		MS. GRIGSBY: Let us do this, I'm going
9	Q	Okay, so	9		to ask the Court Reporter to go back, and let me
10	Α	But he still told me not to leave them	10		go on the screen and see. I'm going to have her
11		unsupervised.	11		read the questions and answers
12	Q	Okay. Did you initiate a conversation with	12		THE WITNESS: Okay.
13		Principal Gasteier, during the 2007-2008 school	13		MS. GRIGSBY: and if there's
14		year, in which you told him that you were	14		anything there that you believe is inaccurate
15		concerned because people were accusing you of	15		tell me.
16		sleeping in class?	16		THE WITNESS: Okay.
17	Α	No, I did not. I did not even know.	17		THEREUPON, the Reporter read the requested
18	Q	You don't recall a conversation in which you	18		portion of the record.
19		said, "I'm upset, people are talking about me	19	Q	Is that correct?
20		behind my back?"	20	Α	Yes.
21	Α	No.	21		MS. GRIGSBY: The next exchange. The
22	Q	Okay.	22		topic before then was the various discussions you
23	Α	I do not.	23		had with Mr. Dahlmann about leaving students
24	Q	Did he ever, in the 2007-2008 school year, tell	24		unsupervised?
25		you that he had been informed that you had been	25	Α	Right.
		HUNTLEY REPORTING SERVICE			HUNTLEY REPORTING SERVICE
		419-626-4039			419-626-4039
		800-247-8360			800-247-8360
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	ì	54	1		56
\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \)	54 observed sleeping in class?	1	Q	56 Did you feel that you were able to answer those
2	A		1 2	Q	
2 3	A Q	observed sleeping in class?		Q A	Did you feel that you were able to answer those
2 3 4	A Q A	observed sleeping in class? Mr. Gasteier?	2	_	Did you feel that you were able to answer those questions correctly or did your condition
2 3 4 5	A Q A Q	observed sleeping in class? Mr. Gasteier? Yes.	2 3	Α	Did you feel that you were able to answer those questions correctly or did your condition Somewhat.
2 3 4		observed sleeping in class? Mr. Gasteier? Yes. I don't remember.	3 4	A Q	Did you feel that you were able to answer those questions correctly or did your condition Somewhat. Okay.
2 3 4 5		observed sleeping in class? Mr. Gasteier? Yes. I don't remember. Okay.	2 3 4 5	A Q A	Did you feel that you were able to answer those questions correctly or did your condition Somewhat. Okay. Somewhat. I'm not sure what I said.
2 3 4 5 6		observed sleeping in class? Mr. Gasteier? Yes. I don't remember. Okay. MR. BELAZIS: You don't remember that	2 3 4 5 6	A Q A Q	Did you feel that you were able to answer those questions correctly or did your condition Somewhat. Okay. Somewhat. I'm not sure what I said. Well, let me go back over that topic, okay?
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_		57			59
1		MR. BELAZIS: With who?	1	_	which one.
2		MS. GRIGSBY: Mr. Dahlmann.	2	Q	You have a specific recollection in one of the
3	_	By MS. GRIGSBY:	3		three instances in which Mr. Dahlmann cornered
4	Q	Correct?	4		you about leaving students unattended?
5	A	Yes.	5	Α	Yes.
Marine 1) Q	Okay. And for the record, Mr. Dahlmann was the	6	Q	That you told him on one of those occasions that
1		Assistant High School Principal?	7		you had gone to the bathroom?
8	Α	Yes.	8	Α	I think I said I went to take insulin.
9	Q	Okay.	9	Q	Okay. And what was his response?
10	Α	Before he got here? Before Mr. Gunner got here?	10	Α	He didn't say anything.
11	Q	Yes.	11	Q	And were you disciplined for that incident?
12	Α	Let's see, I got to think about Mr. Dahlmann.	12	Α	No.
13		Yes, I think so.	13	Q	Okay.
14	Q	Okay. Now, we spoke of three conversations that	14	Α	I he talked to me.
15		you've had with Mr. Dahlmann?	15	Q	Impressed upon you the importance of leaving
16	Α	Right.	16		students supervised?
17	Q	And on one occasion he said to you, "I saw	17	Α	That room I was in in the afternoon, all in the
18		that" my understanding is that he said to you,	18	- •	afternoon, that room that the kids were in
19		"I believe you left students unsupervised"	19		typing.
20	Α	Uh-huh.	20	Q	Okay. And was that a class period that or was
21	Q	"in the computer lab?"	21		it a supervised study hall or an in-school
22	A	Uh-huh.	22		suspension?
23	Q		23	Α	·
24	Q	And what is your recollection of that incident and that conversation?	I	A	No, it was not an in-school suspension. It was a
1	٨		24		supervised study hall. The first time the
25	Α	In the computer lab?	25		student asked me, he said he was very late in
		HUNTLEY REPORTING SERVICE			HUNTLEY REPORTING SERVICE
		419-626-4039			419-626-4039
		800-247-8360	ļ		800-247-8360
	Q	Yes. 58	1		60
2	A	Well, I know that once I was there and I went to	2		turning his paper in and he had no, no access to a computer or a typewriter, so I left him in
3	$\overline{}$				
"			2		
1 1		my room to get some materials, and I know and	3	0	there to type his paper.
4		my room to get some materials, and I know and then once I went to inject myself, and once I did	4	Q	there to type his paper. And that was not the incident in which you
5	0	my room to get some materials, and I know and then once I went to inject myself, and once I did leave them unsupervised.	4 5		there to type his paper. And that was not the incident in which you departed the class
6	Q	my room to get some materials, and I know and then once I went to inject myself, and once I did leave them unsupervised. Okay. So in one of the instances you left the	4 5 6	Α	there to type his paper. And that was not the incident in which you departed the class The second time I
6 7		my room to get some materials, and I know and then once I went to inject myself, and once I did leave them unsupervised. Okay. So in one of the instances you left the room to deal with a physical issue?	4 5 6 7	A Q	there to type his paper. And that was not the incident in which you departed the class The second time I for insulin purposes?
6 7 8	A	my room to get some materials, and I know and then once I went to inject myself, and once I did leave them unsupervised. Okay. So in one of the instances you left the room to deal with a physical issue? Yes.	4 5 6 7 8	Α	there to type his paper. And that was not the incident in which you departed the class The second time I for insulin purposes? Because I was in there a lot on my conference
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	_	61	_		63
1	Q	Now, were there conversations that you had with	1		unattended?
2		Mr. Dahlmann concerning students being left	2	Α	Correct.
3		unsupervised that do not relate to these two	3	Q	But the reason was that you needed to go inject
4		memoranda, that occurred at different times?	4		yourself?
5		That's what I thought we were talking about.	5	Α	Right.
	Α	That's right.	6	Q	Did you express that to him?
1	Q	Okay. So the three incidents that we just spoke	7	A	I think I did. I think I told him I took
8	•	of, one of which you say you left students	8		insulin.
9		unsupervised so that you could go inject	9	Q	And what was his response?
10		yourself, occurred sometime after 2005?	10	A	·
11	۸		11		He didn't say anything.
	Α	Well, that's when I don't remember when they	1	_Q	Okay.
12	_	happened.	12	A	He just didn't say anything.
13	Q	Okay.	13	Q	And you did not receive a written reprimand for
14	Α	Do you have dates? I don't remember when.	14		that, did you?
15	Q	Well, my understanding is that you had	15	Α	I don't remember. I don't remember.
16		communications during the second half of	16	Q	Did you have any further conversations with
17		2007-2008 school year with Mr. Dahlmann	17		Mr. Gasteier or the superintendent about that
18	Α	Okay.	18		incident?
19	Q	about three occasions in which you left	19		MR. BELAZIS: About that incident?
20		students unsupervised?	20		MS. GRIGSBY: Yes.
21	Α	Okay.	21	Q	About the conversation that you left students
22	Q	Does that comport with your recollection?	22	_	unattended, but you explained that you went to
23	~	MR. BELAZIS: If you recall.	23		· · · · · · · · · · · · · · · · · · ·
24		•	24		inject yourself, did you have any further
1		THE WITNESS: Yes. Okay.	1		conversations with anybody about that matter in
25		BY MS. GRIGSBY:	25		the administration?
		HUNTLEY REPORTING SERVICE			HUNTLEY REPORTING SERVICE
		419-626-4039			419-626-4039
		800-247-8360			800-247-8360
1 .		20			
		62	l .	_	64
	Q	You	1	Α	I don't believe so.
2	Α	You I can't tell you the specific dates.	1 2	A Q	
2 3	_	You I can't tell you the specific dates. Okay. But you do remember the general time	1 2 3	Q A	I don't believe so. Okay. Just with Mr. Dahlmann.
1 .	Α	You I can't tell you the specific dates.		Q	I don't believe so. Okay.
3	Α	You I can't tell you the specific dates. Okay. But you do remember the general time	3	Q A	I don't believe so. Okay. Just with Mr. Dahlmann.
3 4	Α	You I can't tell you the specific dates. Okay. But you do remember the general time frame, of 2007-2008, having three conversations	3 4	Q A	I don't believe so. Okay. Just with Mr. Dahlmann. Did you make any further requests of Mr. Dahlmann
3 4 5	A Q	You I can't tell you the specific dates. Okay. But you do remember the general time frame, of 2007-2008, having three conversations with Mr. Dahlmann?	3 4 5	Q A Q	I don't believe so. Okay. Just with Mr. Dahlmann. Did you make any further requests of Mr. Dahlmann at that time? For?
3 4 5 6	A Q A	You I can't tell you the specific dates. Okay. But you do remember the general time frame, of 2007-2008, having three conversations with Mr. Dahlmann? I remember two.	3 4 5 6	Q A Q A	I don't believe so. Okay. Just with Mr. Dahlmann. Did you make any further requests of Mr. Dahlmann at that time?
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1	Q	Once you told him, "I left the students	1	Q	Okay. Now, when did that conversations occur?
2		unattended because I had to go inject myself with	2	Α	It occurred in Mr. Finn's office and he knew
3		insulin," did you have further dialog with him	3		about it before that. I think it was in a
4		saying, in which you made requests of him, "I	4	_	when he reprimanded me.
5		need some other assistance concerning my	5	Q	Okay. So the conversation physically took place
K		diabetes?" Did you make any other requests?	6		in Mr. Finn's office?
1	Α	No.	7	Α	The one conversation did.
8	Q	Okay.	8	Q	Did you have more than one conversation with
9	Α	But I took care of it, I went to inject myself.	9		Dr. Gunner concerning the fact that you had eye
10		MR. BELAZIS: Theresa, you started at a	10		surgery for removal of a cataract which produced
11		certain point.	11		complications?
12		MS. GRIGSBY: Yes. Yes. Let me go	12	A	In his office.
13		back to the next topic. We'll see what the next,	13	Q	In Mr. Gunner's office, Dr. Gunner's office?
14		the immediately preceding, topic was.	14	A	Yes.
15		THEREUPON, the Reporter read the requested	15	Q	You had a conversation with him there?
16		portion of the record.	16	Α	When, I think, I think it was about the first
17		MS. GRIGSBY: Oh, we were talking about	17		3-day suspension.
18		evaluations. That was the immediately preceding	18	Q	Okay. And did you have another conversation in
19		discussion. Okay. I can go back over that	19	_	Mr. Finn's office about that?
20		issue, okay?	20	Α	When he told me my choices for the following year
21		THE WITNESS: Okay.	21		to teach, what to teach.
22		MR. BELAZIS: The evaluation is?	22	Q	So you have a recollection of two times talking
23		MS. GRIGSBY: Formal evaluations.	23		with Dr. Gunner?
24		MR. BELAZIS: Okay. Is that what we	24	Α	Yes.
25		started with after the break, after the first	25	Q	About the fact that you had had cataract surgery
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		break? Why don't you just go through the	1		and there were complications that had affected
2		questions? You don't have to go through the	2		you adversely?
3		answers, just go through the questions.	3	A	At least two, he knew I had an eye problem.
4		THEREUPON, the Reporter read the requested	4	Q	Okay. So tell me about the first conversation
5		portion of the record.	5		that you had in Dr. Gunner's office during the
6		MS. GRIGSBY: That was the topic about	6		disciplinary conference which ultimately produced
7		whether or not she ever had any conversations	7		a three-day suspension?
8		with Dr. Gunner about the eye surgery?	8	Α	Oh, man. Well, I think when I tried to tell him
9		MR. BELAZIS: Okay.	9		he made a remark about I got to think how this
10		MS. GRIGSBY: So let me why don't we	10		went. He made a remark, I told him about my eye
12		do this, we'll go back, I'll go through that	11		problem and he knew I had the diabetes and when I
13		topic again with you, okay? THE WITNESS: All right.	13		told him about the eye problem I think he said, "Tell me another one."
14		MS. GRIGSBY: And there are two topics	14	Q	Okay. So this is
15		'	15	A	·
16		that preceded.			I don't think he believed that.
17		MR. BELAZIS: And then what's the other one?	16 17	Q A	I'm sorry. I don't know if he believed me or not.
18		MS. GRIGSBY: The evaluation.	18	Q	Well, what specifically did you tell him about an
19		BY MS. GRIGSBY:	19	-	eye problem?
20	Q	My question to you, Mrs. Smith, is, did you ever	20	Α	That I had light sensitivity, a lot of it, that
21	~	have conversations with Dr. Gunner in which you	21	^	I'm constantly I didn't tell him specifically
22		raised issues concerning the fact that you had	22		that, that this eye closed, because, obviously,
23		had cataract surgery and there were some	23		people see it, because many times they look away.
24		resulting complications?	24		They know I have a problem and they won't look me
	Α	Yes.	25		in the face, and I know that it might upset them
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1		so I don't pursue it. And he never he knew,	1	Α	71 He gave me two and a half options.
2		he knew, he saw the eye closed. And I'm	2	Q	And that was a conversation in which you were
3		constantly shielding myself from other light with	3	Q	advised that the keyboarding class that you had
4		this hand.	4		been teaching at the middle school was going to
5	Q	So is it your recollection that	5		be discontinued?
ं	A	My eyes get tired.	6	Α	
	Q		7	Q	He told me they were disbanding that room.
0	Q	Okay that during a conversation with		Q	Okay. And you also were advised that the duty of
8		Dr. Gunner, in a disciplinary meeting, that was	8		supervising in-school suspension was going to be
-		called to discuss incidents in which you were	9		assumed by aids, as opposed to teachers?
10 11		believed to have been sleeping, you told him that	10	A	I don't think he told me that.
	Λ.	you had light sensitivity?	11	_Q	Okay.
12	A	Yes.	12	A	I don't remember. I don't recall that.
13	Q	Okay. And you recall him saying words to the	13	Q	Okay. But the conversation, as it pertains to
14	^	effect "Tell me another one?"	14		your eyes was, involved remarks to his on his
15	A	Uh-huh.	15		part inquiring about your health in general?
6	Q	Okay.	16	A	Uh-huh.
7	Α	I don't know if he believed me or not.	17	Q	Yes?
8	Q	And that's all you remember about the	18	A	Yes.
19		conversation concerning your eye in that meeting?	19	Q	And you made no particular request of Dr. Gunner
20	Α	And that I was going to get a three-day	20	_	in that meeting
21	_	suspension.	21	A	Yes, I did.
22	Q	Okay. But any other details about the eye issue,	22	Q	Let me finish the question.
23	-	do you recall any other details about that?	23	Α	Okay.
24	Α	No. You mean about me telling him about it?	24	Q	no particular request in that meeting
25	Q	Right. About a discussion of your eye problem in	25		concerning accommodations to deal with your
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	/	the meeting in which you were discussing	1		eyesight?
2	Α	In that meeting, after he told me "Tell me	2	Α	Oh, no.
3		another one," I didn't say anything else about	3		MR. BELAZIS: Which meeting are you
4		the eyes.	4		talking about?
5	Q	Okay. Now, then we talked about a second meeting	5	Q	The meeting Mr. Finn's office in which you were
6		and I think we talked about this before, that was	6		discussing your assignment for the upcoming year.
7		conducted in Mr. Finn's office?	7	Α	Okay. Yes.
8	Α	Yes.	8	Q	In that meeting did you make any particular
9	Q	In which you're talking about your assignment for	9		request of him concerning accommodations to
10		the upcoming year	10		address your diabetes?
11	Α	Yes.	11	Α	No.
2	Q	2009-2010?	12	Q	Did you make any particular request for
13	Α	Yes.	13		accommodations to address your eyesight?
4	Q	Now, what do you recall about that conversation	14	Α	No.
15		as it pertains to your eyes?	15	Q	Okay.
16	Α	Well, it just, he started out, you know, "How are	16	Α	I made
7		you feeling? How is your eyes? How is your	17		MR. BELAZIS: Just answer her question.
8		diabetes?" And I don't know how to answer that,	18		THE WITNESS: Okay.
9		you know, and then he proceeded to talk about my	19		MR. BELAZIS: All right.
0		option for the following year.	20		THE WITNESS: Yes, I
1	Q	And ultimately the assignment that you were given	21		MR. BELAZIS: She asked you if you made
2		was to go to the high school and teach business	22		any request for accommodations, you already
3		half time and then a history course?	23		answered it.
4	Α	Yes.	24		THE WITNESS: Yes.
	Q	ОкаУ.	25		BY MS. GRIGSBY:
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1 (Q	And the answer to the question was, "I made no	1		No.
2		request for accommodation;" is that correct?	2	Q	So they were scattered?
3	Α	On that day at the junior high?	3	Α	I don't think I received any.
4	Q	In the meeting in which you were discussing your	4	Q	That's what I thought. You don't recall any
5		assignment for the upcoming school year, did you	5		formal evaluations of your performance between
		make any request for accommodations to assist you	6		'99 and 2007, correct?
7		with your physical conditions of diabetes or eye	7	Α	Correct.
8		problems?	8	Q	Okay. It was after that we had a conversation
9		MR. BELAZIS: In Mr. Finn's office.	9		about formal evaluations that I then transitioned
10		THE WITNESS: In Mr. Finn's office.	10		to asking you questions about more informal
11/	Α	No, because I never got the accommodations.	11		discussion that you had with Mr. Dahlmann, okay,
12		MR. BELAZIS: Just	12		and
13	Α	No.	13	Α	Could you say that again, please?
14	Q	Okay. I also asked you, before our second break,	14	Q	I'm just, so that you understood the sequence of
15		about evaluations. I want to return to that	15		questions
16		topic just to make sure that we're, we're on the	16	Α	Okay.
17		same page, okay? You received a continuing	17	Q	after I asked you about formal evaluations,
18		contract in 1980, and I also understand that you	18		then I transitioned into asking you some
19		began working a split schedule between two	19		questions about more informal discussions that
20		buildings in 1989?	20		you had with Mr. Dahlmann.
	Α	Yes.	21	Α	All right.
	Q	When you were at the middle school level did you	22	Q	And that's the sequence and we've been back
23		receive formal evaluations?	23		through that now?
	Α	Yes.	24	Α	Yes.
25	Q	Okay. How frequently	25	Q	So now I think we're caught back up.
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	Α	Well no, go ahead.	1	Α	Okay.
2 (Q	Okay. How frequently did you receive formal	2	Q	Okay. Is there anything else that you believe,
3		evaluations when were at the middle school?	3		that we've talked about today, that you may have
4	Α	I was never evaluated at the middle school.	4		been confused about or you wish to modify?
5 (Q	That's what I understood, I wanted to confirm	5	Α	Do you have anything specific?
6		that. You were never evaluated while you were at	6	Q	No. I just want to make sure you feel
7		the middle school?	7		comfortable that your testimony, with the
8	Α	No.	8		corrections we just made, is accurate?
9 (Q	Okay. And that was from a period from 1989	9	Α	Correct.
10		through 2008-09 school year?	10	Q	You feel it is?
11	Α	No.	11	Α	Yes.
12 (Q	Okay.	12	Q	Okay. Thank you.
13	Α	It was more like 2005 or 6.	13		MR. BELAZIS: Do you feel all right?
14 (Q	Okay. But your recollection is that while you	14		THE WITNESS: I'm nibbling on this
15		were at the middle school you received no formal	15		candy.
16		evaluations?	16		MS. GRIGSBY: And let me emphasize
17	Α	Correct.	17		again, if you feel the need to take a break, you
18 (Q	Okay. Now, with regard to the general time	18		tell me.
19		period, from 1999 through 2007, regardless of	19		THE WITNESS: I will.
20		what school you were at, did you receive formal	20		BY MS. GRIGSBY:
21		evaluations?	21	Q	Did you fail to exit the school building during a
22	Α	I think I had some.	22		fire drill in the spring of 2008?
23	Q	Can you tell me, were they, did you receive	23	Α	Yes.
24		annual performance evaluations in that '99 to	24	Q	Okay. Why did you not exit the building?
		2007 time frame?	25		Because I knew that I needed a shot, because I
		HUNTLEY REPORTING SERVICE			HUNTLEY REPORTING SERVICE
		419-626-4039			419-626-4039
		900 247 8360	1		900 247 9260

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1		really felt bad and I knew I needed to use the	1	Q	And what did he say?
2		restroom, and I said to Nancy Kinsel, "I hope I	2	A	He says, "History is downstairs."
3		can make it out there and back in time." And she	3	Q	Did you make any other requests of him?
4		grabbed my students and my, my pad, the list with	4	Α	I made two.
5		my attendance sheet on, and she said, "I'll take	5	Q	And what were they?
)	care of the kids, you get your shot," and I did.	6	Α	I asked him if I could bring those history
1		I went into the bathroom and I took my	7		classes upstairs.
8		glucometer, took my sugar level, took my shot,	8	Q	Okay, we went through that one.
9		and went to the bathroom.	9	Α	No, it's the same one.
10	Q	Did you later then have a conversation with	10	Q	Okay.
11		Mr. Gasteier about that incident?	11	Α	One was at a different time in the hallway, when
12	Α	Yes.	12		I was accused of being late to class. He stopped
13	Q	Tell me what you remember about the conversation	13		me and asked me if I was interested in SMARTBoard
14		with Mr. Gasteier about that incident?	14		training and I asked him again, "Chris, let me
15	Α	And I told him, I told him, "Chris," I says, "I	15		take my classes upstairs." His comment was "I
16		needed insulin," I explained the and I told	16		want to keep the social studies department
17		him, "and I didn't think that my knees were going	17		together."
18		to get me way out there." And he said, "You need	18	Q	Okay. No. My question and I appreciate that
19		to let us know when it's that bad because we'll	19	••	information. My question was not whether or not
20		get you a wheelchair."	20		you repeated the request to move the room
21	Q	Okay. So he told you, "When you have a problem	21	Α	Oh.
22	-	like that we'll try to help you?"	22	Q	but did you ask him to do anything other than
23	Α	Yes.	23	•	move the students upstairs?
24	Q	Okay. And did he at one point actually even	24	Α	I asked him twice if I can take those kids
25	•	place a wheelchair near the stairs to help you if	25	^	upstairs to my room.
-		HUNTLEY REPORTING SERVICE			HUNTLEY REPORTING SERVICE
		419-626-4039			419-626-4039
		800-247-8360			800-247-8360
<u> </u>		78	<u> </u>		80
	}	that ever happened again?	1	Q	Did you ask him to do anything else for you in
2	Α	Yes.	2	-	order to address the distance issue?
3	Q	Other than that conversation that you had with	3	Α	I'm not understanding your question here.
4	_	Mr. Gasteier pertaining to the fire drill, did	4	Q	Okay. My understanding is that you were
5		you ever ask anybody else in the administration	5	_	concerned that you have trouble moving quickly
6		for assistance in helping you maneuver around the	6	Α	That's correct.
7		building?	7	Q	due to physical issues? And you were
8	Α	Yes.	8	ų.	
9	Q	Did you ask?	9		concerned about making the transition from the
10	A	Mr. Gasteier.	10		business classroom to the history classroom in a timely way?
11	Q	And when did you ask, make a request of	11	٨	•
12	~	Mr. Gasteier; another request?	12	A Q	That's right. And you did ask him to move the students and
13	Α	*	13	¥.	•
14	Q	In the last year I was there, in 2009 and '10.	1	٨	history upstairs?
1	W.	And tell me the circumstances which led you to	14	Α	Yes.
15	۸	make this subsequent request?	15	Q A	And he declined to do that?
16	Α	Because my business classes were upstairs,	16	A	Yes.
17		history was downstairs, and I knew I couldn't	17	Q	Did you offer any other suggestions about how you
18		lock my door and make sure the kids left with all	18		might deal with this difficulty in maneuvering in
19		their stuff, turn the lights out, and lug	19		a timely way?
20		everything down there in four minutes, because it	20	A	Did I offer?
21	_	was a very far hike.	21	Q	Yes. Did you make any other suggestions about
	Q	And what was so specifically what did you ask	22	_	how you could address that concern?
22	· ·		23	Α	You mean how I can get to 605 on time?
22 23		of him?	_		
22	A	I asked him if I could bring those history	24	Q	Right.
22 23		I asked him if I could bring those history classes upstairs.	24 25	Q A	Did I offer other suggestions? No. The best way
22 23		I asked him if I could bring those history			-
22 23		I asked him if I could bring those history classes upstairs.			Did I offer other suggestions? No. The best way

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1		was to bring those classes up to me in 701, the	1		Principal Steve Finn from the middle school dated
2		one they actually converted to have the	2		September 29, 2008, asking you to attend a
3		SMARTBoard and everything else in them.	3		disciplinary conference?
4	Q	Did you ask that someone cover your room for a	4	Α	Yes.
5		period of a few minutes if it was going to be a	5	Q	Okay. And it appears from the letter that
(A.2.2.1)	. h)	consistent pattern of you being late?	6		Mr. Finn was concerned about what he had
1	Α	Mostly almost every day I was either walking in	7		identified as four instances of sleeping in the
8		behind the kids or I was in front of the kids.	8		classroom or at some location in the building,
9	Q	Okay.	9		correct?
10	Α	There was very few instances, like I said, one	10	Α	Correct.
11		was Mr. Gasteier stopped me.	11	Q	Now, do you acknowledge today whether or not you
12	Q	In one instance he did stop you to dialog about a	12		indeed were sleeping on any of the occasions
13		particular topic?	13		identified in this letter?
14	Α	Uh-huh.	14	Α	In my mind, none of them.
15	Q	And that's a seminar pertaining to SmartBoards?	15	Q	Okay. You don't believe that in any of these
16	A	Right.	16	_	situations you were actually sleeping?
17	Q	But your testimony is that as a general matter,	17	Α	I was not sleeping.
18	_	despite the distance between those two rooms, you	18	Q	Okay. Now, the first one references an incident
19		were usually there arriving with the students or	19	~	that occurred involving the choir room on
20		immediately before them?	20		September 4, 2008?
21	Α	Yes.	21	Α	Correct.
22	Q	Okay. Mrs. Smith, I've got a series of documents	22	Q	
23	Q	that we're going to talk about now.	23	A	Do you remember that incident? Yes.
24	Α	Okay.	24	Q	Tell me about it.
25	Q	•	25	A	
23	Q	But they all pertain to the same general time HUNTLEY REPORTING SERVICE	25	A	I did not know where I was going to monitor the
		419-626-4039			HUNTLEY REPORTING SERVICE
		800-247-8360			419-626-4039 800-247-8360
		000-247-0000			800-247-8300
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)	frame, okay?	1		TSP, or whatever they call it, the TST kids
2	Δ	frame, okay?	1 2	٥	ISP, or whatever they call it, the ISI kids.
2	A O	frame, okay? Okay.	2	Q A	ISP, or whatever they call it, the ISI kids. These are in-school supervised suspensions?
3	A Q	frame, okay? Okay. To set the stage here, we're going to talk now	2	Α	ISP, or whatever they call it, the ISI kids. These are in-school supervised suspensions? Yes.
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		Case: 3:11-cv-00560-JRK_Doc #: 103	File	d: 01	
		85	١.		87
1		don't have to come down here when we don't have	1	_	MS. GRIBSBY: Yes, I'm sorry.
2		students back here." So I said to him, "What do	2	Q	19, 2008, period 6, room 115, what do you
3		you want me to do?" And he said, "I want you to	3	_	remember about that incident?
4		go in and out of teacher's classrooms, ask them	4	Α	Believe me, I had 26 of those 6th graders in
5	4	if they need stuff to be copied, if they need	5	_	there, trust me, I was not sleeping.
	9	papers graded." And I thought, "Well, I can't do	6	Q	Okay.
7		that, that would intimidate them, I think, a	7	Α	It says, "Room 115," but, you know, on my
8		little bit." And I did work in the computer lab	8	_	original never mind.
9		and but I was not sleeping in the choir room,	9	Q	Is this an incident which Danielle Fanning
10	_	I was cutting out articles.	10		claimed to have witnessed you sleeping? Is that
11_	Q	Did you doze at all?	11		your understanding?
12	A	I closed my eyes until the insulin took hold.	12	Α	You know, I didn't even know Danielle Fanning,
13	Q	Did you sleep at all during that incident?	13	_	except that she taught next door to me.
14	Α	If you mean, did I put my head down and snored?	14	Q	And it's your testimony you were not sleeping?
15		No, I did not. I took my insulin. There was	15	A	In period 6 I had 26 kids in there.
16		nobody back there, it was a quiet place to test	16	Q	Did you do anything in the room that might cause
17	_	and take my insulin	17	_	you to appear as if you were sleeping?
18	Q	I understand.	18	Α	Not nope. We I had to pass out those
19	Α	because I knew that I was getting lethargic	19		little computers and I had to collect them and
20	_	and not feeling good.	20		stack them on the carts. No. I was busy in that
21	Q	But is it your testimony that you never dozed off	21	_	period.
22	_	or that you did doze off during that incident?	22	Q	If Danielle Fanning claims to have witnessed you
23	Α	I was lethargic. I might have closed my eyes, if	23	_	sleeping on that date
24		that's dozing, then I dozed off, but I was	24	Α	Uh-huh.
25		lethargic.	25	Q	would it have been inappropriate for Mr. Finn
		HUNTLEY REPORTING SERVICE			HUNTLEY REPORTING SERVICE
		419-626-4039			419-626-4039
		800-247-8360			800-247-8360
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	0	86	1		88
9	Q	Do you know one way or the other whether you were	1	٨	to inquire about it?
2	_	Do you know one way or the other whether you were sleeping?	2	A	to inquire about it? Not if she asked not if she said that to him.
3	Q A	Do you know one way or the other whether you were sleeping? I was not sleeping. I knew I was I was busy	2 3	A Q	to inquire about it? Not if she asked not if she said that to him. So you agree that if she made the statement "I
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3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A Q A Q A Q A	Do you know one way or the other whether you were sleeping? I was not sleeping. I knew I was I was busy and I did not feel good. Okay. I needed to do something. So then there's a second incident also referred to as happening in the choir room during period 9. What do you remember about that incident? On September 9th I was not even in the choir room. After Steve walked down and seen me on the 4th and there were no kids there on the 9th, I went to the library and I helped the librarian. So is it, do you believe that this second bullet point, this second reference to sleeping in the choir room is I was not in there until I was not in there at all on that day. What do you think have you ever come to any conclusions as to what this reference pertains to? No. Okay. Then the third one refers to September 9,	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q A Q A Q A Q A	Not if she asked not if she said that to him. So you agree that if she made the statement "I saw Mrs. Smith sleeping," he should follow-up and review that incident with you? Yeah. Okay. And then the final incident refers to "Period 8, sleeping in the choir room again," under a date of September 22, 2008. Is this an incident in which Mr. Quisno claimed to have observed you sleeping? I think that's the one. Right. You are aware that Mr. Quisno made a report that he had observed you sleeping? Oh, yes, I saw him come in. Do you know how many times he came into your classroom that day? He came in half way through no, it was probably yes, half way through, and then he came in again about 30 minutes later. So you were aware that he came into your classroom twice? Yes.
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	A Q A Q A Q A	Do you know one way or the other whether you were sleeping? I was not sleeping. I knew I was I was busy and I did not feel good. Okay. I needed to do something. So then there's a second incident also referred to as happening in the choir room during period 9. What do you remember about that incident? On September 9th I was not even in the choir room. After Steve walked down and seen me on the 4th and there were no kids there on the 9th, I went to the library and I helped the librarian. So is it, do you believe that this second bullet point, this second reference to sleeping in the choir room is I was not in there until I was not in there at all on that day. What do you think have you ever come to any conclusions as to what this reference pertains to? No. Okay. Then the third one refers to September 9, 2008, an incident	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	Q A Q A Q A Q	Not if she asked not if she said that to him. So you agree that if she made the statement "I saw Mrs. Smith sleeping," he should follow-up and review that incident with you? Yeah. Okay. And then the final incident refers to "Period 8, sleeping in the choir room again," under a date of September 22, 2008. Is this an incident in which Mr. Quisno claimed to have observed you sleeping? I think that's the one. Right. You are aware that Mr. Quisno made a report that he had observed you sleeping? Oh, yes, I saw him come in. Do you know how many times he came into your classroom that day? He came in half way through no, it was probably yes, half way through, and then he came in again about 30 minutes later. So you were aware that he came into your classroom twice? Yes. Okay. Now, did you have any conversations with
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3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	A Q A Q A Q A	Do you know one way or the other whether you were sleeping? I was not sleeping. I knew I was I was busy and I did not feel good. Okay. I needed to do something. So then there's a second incident also referred to as happening in the choir room during period 9. What do you remember about that incident? On September 9th I was not even in the choir room. After Steve walked down and seen me on the 4th and there were no kids there on the 9th, I went to the library and I helped the librarian. So is it, do you believe that this second bullet point, this second reference to sleeping in the choir room is I was not in there until I was not in there at all on that day. What do you think have you ever come to any conclusions as to what this reference pertains to? No. Okay. Then the third one refers to September 9, 2008, an incident	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	Q A Q A Q A Q A	Not if she asked not if she said that to him. So you agree that if she made the statement "I saw Mrs. Smith sleeping," he should follow-up and review that incident with you? Yeah. Okay. And then the final incident refers to "Period 8, sleeping in the choir room again," under a date of September 22, 2008. Is this an incident in which Mr. Quisno claimed to have observed you sleeping? I think that's the one. Right. You are aware that Mr. Quisno made a report that he had observed you sleeping? Oh, yes, I saw him come in. Do you know how many times he came into your classroom that day? He came in half way through no, it was probably yes, half way through, and then he came in again about 30 minutes later. So you were aware that he came into your classroom twice? Yes. Okay. Now, did you have any conversations with

_		Case: 3:11-cv-00560-JRK Doc #: 103	1		91
1	Α	I think he only came in once. I think Mr. Finn	1		prior to the October 2, 2008 meeting that's
2	- •	came in the second time.	2		referenced?
3	Q	Okay. Let me give you a moment to think about	3	Α	Can you repeat that, please?
4	_	that.	4	Q	Yes. I'm just trying to find out, this letter
5	Α	Yes, I am. In my mind he came in once and I'm	5	Œ.	says that you're going to be asked to come to a
l	\	very positive Mr. Finn came in the second time.	6		disciplinary conference on October 2nd?
	Q		7	Α	Uh-huh.
8	Q	Okay. Now, did you have conversations with	1	Q	
	Α.	either Mr. Quisno or Mr. Finn?	8	Q	Did you have conversations with anybody in the
9	Α	Well, I said hi to Mr. Quisno and he turned	9		administration before that meeting?
10		around and walked out, he never acknowledged it.	10	A	That I had conversations?
11		And Mr. Finn came in and he just came in and	11	Q	With anybody in the school administration,
12	•	looked around and left.	12		principal, superintendent, assistant principal,
13	Q	What were you physically doing when Mr. Quisno	13		prior to the meeting? I'm just trying to make
14	_	came in?	14	_	sure
15	Α	I think I was like this, (indicating.)	15	Α	I don't remember.
16	Q	In other words, you were seated up and you had	16	Q	Okay. Because I know you had a meeting on
17		you're left hand cradling your forehead?	17		October 2nd, I just want to make sure there was
18	Α	No.	18		no intervening conversation.
19		MR. BELAZIS: If you remember.	19	Α	Right.
20		THE WITNESS: I don't remember.	20	Q	You don't recall any?
21		MR. BELAZIS: I don't want you to	21	Α	No.
22		speculate.	22	Q	Now, you had a meeting on October 2, 2008,
23		THE WITNESS: Yes. I don't remember.	23		correct?
24		I don't that's tough.	24	Α	Yes.
25		BY MS. GRIGSBY:	25	Q	And who all was in attendance at that meeting?
		HUNTLEY REPORTING SERVICE			HUNTLEY REPORTING SERVICE
		419-626-4039			419-626-4039
		800-247-8360			800-247-8360
, :		90			92
	Q	Were your eyes open or closed when Mr. Quisno	1	Α	Oh, boy. Mr. Gunner and myself, and I think
2		came in?	2		maybe John Gerber, and I don't know if Char
3	Α	Well, I'm going to say open, but open as much as	3		Shuman was at that one or not. I don't think so.
4		they could be.	4		I'm not sure.
5	Q	And when Mr. Finn came in were your eyes open or	5	Q	You're certain that Dr. Gunner was at that first
6		closed?	6	_	meeting?
7	Α	They were open well yes, they were open.	7	Α	Yes, I think so.
8	Q	Okay.	8	Q	Okay.
9	Ā	In my mind they were open.	9	Ā	It was in his office, I think.
10	Q	Well, to an outside observer, were your eyes open	10	Q	So Mr. Finn, Dr. Gunner, Mr. Gerber, and
11	~	or closed?	11	· ·	yourself?
12	Α	If somebody came in and saw me like this,	12	Α	Uh-huh.
13	^	(indicating,) what would you think? I don't	13	Q	
14		know.	14	Q	Okay. And Mr. Gerber, again, was the union
15	Q		1	۸	president at the time?
		Okay. You believe your eyes were open?	15	A	I don't remember if Mr. Finn was there or not.
16 17	Α	Yes.	16	Q ^	Okay. Well, he is the author of the letter
	Q	But do you acknowledge that someone might have	17	A	Yes.
17 18		perceived your eyes to be closed?	18	Q	and he requests your presence?
18	٨	Voc	140	Α	Yes.
18 19	A	Yes.	19	_	
18 19 20	A Q	Both when Mr. Quisno came in and when Mr. Finn	20	Q	Does that refresh your recollection as to whether
18 19 20 21	Q	Both when Mr. Quisno came in and when Mr. Finn came in?	20 21		Does that refresh your recollection as to whether he was there?
18 19 20 21 22	Q A	Both when Mr. Quisno came in and when Mr. Finn came in? Well, yes.	20 21 22	Α	Does that refresh your recollection as to whether he was there? 2008. I don't remember.
18 19 20 21 22 23	Q	Both when Mr. Quisno came in and when Mr. Finn came in? Well, yes. Okay. Now, upon receipt of this letter, this	20 21 22 23		Does that refresh your recollection as to whether he was there? 2008. I don't remember. Okay. You had a meeting with school officials on
18 19 20 21 22 23 2 ^A	Q A Q	Both when Mr. Quisno came in and when Mr. Finn came in? Well, yes. Okay. Now, upon receipt of this letter, this September 29, 2008 letter, did you have	20 21 22 23 24	A Q	Does that refresh your recollection as to whether he was there? 2008. I don't remember.
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18 19 20 21 22 23 2 ^A	Q A Q	Both when Mr. Quisno came in and when Mr. Finn came in? Well, yes. Okay. Now, upon receipt of this letter, this September 29, 2008 letter, did you have conversations with anybody at the administration HUNTLEY REPORTING SERVICE	20 21 22 23 24	A Q	Does that refresh your recollection as to whether he was there? 2008. I don't remember. Okay. You had a meeting with school officials on October 2, 2008 to discuss these four incidents?
18 19 20 21 22 23 2 ^A	Q A Q	Both when Mr. Quisno came in and when Mr. Finn came in? Well, yes. Okay. Now, upon receipt of this letter, this September 29, 2008 letter, did you have conversations with anybody at the administration	20 21 22 23 24	A Q	Does that refresh your recollection as to whether he was there? 2008. I don't remember. Okay. You had a meeting with school officials on October 2, 2008 to discuss these four incidents? Yes.

1		Case: 3:11-cv-00560-JRK Doc #: 103	11101	J. U.	95
1	Q	Can you tell me what you remember being discussed	1	Α	I don't remember.
	Q				
2	Α.	at that meeting?	2	Q	Okay. You're certain Dr. Gunner was at that
3	Α	That I was sleeping in the choir room. That I'm	3		meeting?
4	_	sleeping.	4	A	Yes. October 2nd.
5	Q	And how did you respond to that?	5	Q	October 2, 2008, which would have been prior to
大量	A	I told them I wasn't sleeping.	6		the date that your attorney, Mr. Zraik, sent
1	Q	On any of the incidents?	7		correspondence on your behalf.
8	Α	Yes.	8	Α	I'm pretty sure that Mr. Gunner was at this
9	Q	Did you request that anybody do anything on your	9		meeting.
10		behalf because of a physical condition?	10	Q	Okay. Now, again, for the record, what do you
11_	_A	Yes.	11		remember as having been discussed at the
12	Q	What did you request?	12		October 2, 2008 meeting?
13	Α	I remember filing a grievance with John Gerber.	13	Α	Whether I was sleeping in these classes.
14	Q	With regard to this incident?	14	Q	Correct.
15	Α	Well, you mean these incidents?	15	Α	And my diabetes, for one thing, and let's see,
16	Q	Yes. And this event of inquiry and discipline	16		and my eyes, my diabetes, about the discipline,
17		which involved multiple incidents.	17		the disciplinary action that would be taken
18	Α	What was your question again?	18		against me if anything else went wrong.
19	Q	Did you make any	19	Q	Okay. Now, you said you had a conversation in
20		MR. BELAZIS: Are you doing all right?	20		this meeting about your diabetes and your eyes?
21		THE WITNESS: No, I'm not.	21	Α	Uh-huh.
22		MR. BELAZIS: No?	22	Q	Tell me everything you can remember being
23		THE WITNESS: No.	23		discussed about the diabetes and your eyes in the
24		MS. GRIGSBY: I'll tell you what, why	24		October 2, 2008 meeting.
25		don't we take a lunch break, why don't we do	25	Α	I really can't remember much from this meeting.
		HUNTLEY REPORTING SERVICE			HUNTLEY REPORTING SERVICE
		419-626-4039			419-626-4039
		800-247-8360			800-247-8360
		94			96
	ī				
1 1	1	that	1		I remember Steve accusing me or I remember
2	1		1 2		I remember Steve accusing me or I remember these four things that Steve accused me of being
2 3	1	that THE WITNESS: All right. MS. GRIGSBY: and then it's well,			I remember Steve accusing me or I remember these four things that Steve accused me of being talked about.
1	1	THE WITNESS: All right.	2	Q	these four things that Steve accused me of being
3		THE WITNESS: All right. MS. GRIGSBY: and then it's well,	2	Q A	these four things that Steve accused me of being talked about. Uh-huh.
3 4	97	THE WITNESS: All right. MS. GRIGSBY: and then it's well, let me see. It's 11:40, why don't we come back here at 1 o'clock and give you plenty of time to	2 3 4		these four things that Steve accused me of being talked about. Uh-huh. And I remember the diabetes was a very big issue
3 4 5	9	THE WITNESS: All right. MS. GRIGSBY: and then it's well, let me see. It's 11:40, why don't we come back here at 1 o'clock and give you plenty of time to make sure that you feel comfortable, okay?	2 3 4 5		these four things that Steve accused me of being talked about. Uh-huh. And I remember the diabetes was a very big issue and about what kind of accommodation that I may
3 4 5 6	77	THE WITNESS: All right. MS. GRIGSBY: and then it's well, let me see. It's 11:40, why don't we come back here at 1 o'clock and give you plenty of time to	2 3 4 5 6 7	A	these four things that Steve accused me of being talked about. Uh-huh. And I remember the diabetes was a very big issue and about what kind of accommodation that I may need.
3 4 5 6 7	1	THE WITNESS: All right. MS. GRIGSBY: and then it's well, let me see. It's 11:40, why don't we come back here at 1 o'clock and give you plenty of time to make sure that you feel comfortable, okay? THE WITNESS: All right. MS. GRIGSBY: Let's do that and then	2 3 4 5 6 7 8		these four things that Steve accused me of being talked about. Uh-huh. And I remember the diabetes was a very big issue and about what kind of accommodation that I may need. Okay. So what do you remember about the
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3 4 5 6 7 8 9	1	THE WITNESS: All right. MS. GRIGSBY: and then it's well, let me see. It's 11:40, why don't we come back here at 1 o'clock and give you plenty of time to make sure that you feel comfortable, okay? THE WITNESS: All right. MS. GRIGSBY: Let's do that and then we'll come back to this issue. THE WITNESS: Okay.	2 3 4 5 6 7 8 9	A Q	these four things that Steve accused me of being talked about. Uh-huh. And I remember the diabetes was a very big issue and about what kind of accommodation that I may need. Okay. So what do you remember about the discussion concerning accommodations that took place in this meeting?
3 4 5 6 7 8 9 10	1	THE WITNESS: All right. MS. GRIGSBY: and then it's well, let me see. It's 11:40, why don't we come back here at 1 o'clock and give you plenty of time to make sure that you feel comfortable, okay? THE WITNESS: All right. MS. GRIGSBY: Let's do that and then we'll come back to this issue. THE WITNESS: Okay. THEREUPON, there was a brief lunch recess.	2 3 4 5 6 7 8 9 10	A Q A	these four things that Steve accused me of being talked about. Uh-huh. And I remember the diabetes was a very big issue and about what kind of accommodation that I may need. Okay. So what do you remember about the discussion concerning accommodations that took place in this meeting? He told me that
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		Case: 3:11-cv-00560-JRK_Doc #: 103_I			99
1		THEREUPON, Defendants' Exhibit 4 was marked for	1	Q	Okay. We may come back to that.
		identification.			·
2	0		2	A	Okay.
3	Q	Carol, can you identify the document that's been	3	Q	Let's go to a couple other documents that may
4		marked as Exhibit 4?	4		help. I'm going to give you a couple at the same
5	Α .	Yes, this was written by Michele	5		time, because we're looking at them together,
1)_	Poulos.	6		okay?
1	Q	Who is Michele Poulos?	7		THEREUPON, Defendants' Exhibit 5 was marked for
8	A	She is Dr. Vaschack's nurse practitioner.	8	_	identification.
9	Q	And is he your primary care physician?	9	A	Okay.
10	A	Yes.	10	Q	Why don't you put them in order.
11	Q	Did she write this document at your request?	11	_A	Okay.
12	Α	I think I went to her, because I had an	12	Q	5.
13		appointment for diabetes, and, yes, I asked her	13	Α	5 being the highest. This is the same thing as
14		to write a letter explaining what my symptoms	14		3.
15		would be for highs and lows.	15	Q	No.
16	Q	And did you take this document with you when you	16	Α	No.
17		went to the October 2, 2008, meeting?	17	Q	The dates are different.
18	Α	I don't remember if I took it or if she mailed	18	Α	Okay. Yes, they are.
19		it.	19	Q	Okay.
20	Q	Was it discussed at the October 2, 2008 meeting?	20	Α	I'm sorry, I didn't read it.
21	Α	I don't remember that. I honestly don't.	21	Q	That's okay.
22	Q	Okay. Did you provide the document to school	22		MS. GRIGSBY: This is 6 and this is 7.
23		officials sometime after its date, which is	23		THEREUPON, Defendants' Exhibits 6 and 7 were
24		September 30, 2008?	24		marked for identification.
25	Α	I think I gave this no, I can't remember. I	25	Q	Now, Carol, I've sent to you, or provided you
		HUNTLEY REPORTING SERVICE			HUNTLEY REPORTING SERVICE
		419-626-4039			419-626-4039
		800-247-8360			800-247-8360
10		98			100
		don't know if they mailed it to Mr. Finn or if I	1		100 with three documents and one is a document marked
2			1 2		
2 3	Q	don't know if they mailed it to Mr. Finn or if I	ĺ	A	with three documents and one is a document marked
1	Q A	don't know if they mailed it to Mr. Finn or if I gave it to him.	2	A Q	with three documents and one is a document marked Exhibit 5?
3		don't know if they mailed it to Mr. Finn or if I gave it to him. And	2 3	_	with three documents and one is a document marked Exhibit 5? Yes.
3 4		don't know if they mailed it to Mr. Finn or if I gave it to him. And I don't know who I gave it to, to be honest, to	2 3 4	_	with three documents and one is a document marked Exhibit 5? Yes. And first of all, can you tell me, did you
3 4 5	Α	don't know if they mailed it to Mr. Finn or if I gave it to him. And I don't know who I gave it to, to be honest, to be truthful. I can't remember.	2 3 4 5	_	with three documents and one is a document marked Exhibit 5? Yes. And first of all, can you tell me, did you receive this document?
3 4 5 6	Α	don't know if they mailed it to Mr. Finn or if I gave it to him. And I don't know who I gave it to, to be honest, to be truthful. I can't remember. And you don't know whether you don't know one	2 3 4 5 6	_	with three documents and one is a document marked Exhibit 5? Yes. And first of all, can you tell me, did you receive this document? MR. BELAZIS: Were you able to read
3 4 5 6 7	Α	don't know if they mailed it to Mr. Finn or if I gave it to him. And I don't know who I gave it to, to be honest, to be truthful. I can't remember. And you don't know whether you don't know one way or the other whether it was talked about at	2 3 4 5 6 7	_	with three documents and one is a document marked Exhibit 5? Yes. And first of all, can you tell me, did you receive this document? MR. BELAZIS: Were you able to read both of them?
3 4 5 6 7 8	A Q	don't know if they mailed it to Mr. Finn or if I gave it to him. And I don't know who I gave it to, to be honest, to be truthful. I can't remember. And you don't know whether you don't know one way or the other whether it was talked about at your October 2nd meeting, 2008?	2 3 4 5 6 7 8	_	with three documents and one is a document marked Exhibit 5? Yes. And first of all, can you tell me, did you receive this document? MR. BELAZIS: Were you able to read both of them? THE WITNESS: No. She just asked me
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١.,	^	101	١.		103
1	Q	And it also references his determination that you	1		students effectively so that you should seek such
2		should be given a written reprimand?	2		a leave?
3	Α	Uh-huh.	3	Α	I felt it was not impacting my teaching ability,
4	Q	Now, there's a discussion at the very bottom of	4		but I did feel that it was impacting how I felt
5		the page which says, "During the conference you	5		from morning until noon until I left. You know,
1)	indicated that a medical condition, more	6		the highs and lows affect how you feel.
7		specifically diabetes, might be a contributing	7	Q	So you felt that you maybe were fatigued and
8		factor to your falling asleep in class." Did you	8		didn't feel your best?
9		state that?	9	Α	At times.
10	Α	Did I state that I had diabetes?	10		MR. BELAZIS: I object to the form.
11	Q	Well, not that you had diabetes, but that the	11		THE WITNESS: Yes.
12	•	diabetes might be a contributing factor to you	12		BY MS. GRIGSBY:
1			1	0	
13		falling asleep in class?	13	Q	But with regard to the request for medical leave,
14	Α	I can't remember. I just I don't remember. I	14		did you indicate that would be something that you
15	_	don't remember the discussion	15	_	might be interested in?
16	Q	Okay.	16	Α	At that time?
17	Α	that much, that well, that specific.	17	Q	Yes.
18	Q	And it says then, "We would encourage you to seek	18	Α	I don't know, I didn't, I never thought about it.
19		medical attention for any condition that may	19	Q	Okay. After you received this letter did you
20		impact your ability to teach and supervise	20		give it some thought?
21		students effectively."	21	Α	No.
22	Α	Okay.	22	Q	Okay. And that's not something that you went
23	Q	Do you remember that conversation?	23		back to Mr. Finn and requested, was it?
24	A	You're asking if I remember? I don't remember.	24	Α	No, because he told me he would give me an
25	Q	Okay.	25	73	accommodation.
-	- C	HUNTLEY REPORTING SERVICE	23		
		419-626-4039			HUNTLEY REPORTING SERVICE
					419-626-4039
		800-247-8360	.		800-247-8360
		102	١,	_	104
	Α	I remember the discussion that there was some	1	Q	Okay. If we set that one aside and actually,
2		diabetes involved. I do remember they asked me	2		they're out of I am sorry, I should have
3		if I was being treated for diabetes and I said,	3		marked 6 7 and 7 6. But take a look at the
4		"Yes."	4		document that's been marked as Exhibit 7. You
5	Q	And did you offer any further information about	5		may just yes, put the ones that you're not
6		your medical condition?	6		using to the side. Do you recognize this letter
7	Α	I think I answered what they asked me.	7		that's been marked as Exhibit 7?
8	Q	Do you remember any of the specific questions	8	Α	This is Mr. Zraik's letter.
9		that they asked you?	9	Q	Now, you're referring to Thomas Zraik, Attorney
10	Α	No, I don't remember.	10	_	At Law?
11	Q	It goes on to say, "The Perkins School District	11	Α	Yes.
12	•	would support a medical leave of absence if	12	Q	
13			1	Q	And did you I don't want to if I ask a
			13		question that to refers to Mr. Zraik, I don't
		prescribed by your treating physician until such	144		The same that I was a second of the same o
14		time that your medical condition would not	14		want to know any private conversations that you
14 15		time that your medical condition would not interfere in your ability to properly teach and	15	_	had with him.
14 15 16	_	time that your medical condition would not interfere in your ability to properly teach and supervise students."	15 16	A	had with him. Okay.
14 15 16 17	A	time that your medical condition would not interfere in your ability to properly teach and supervise students." Okay.	15 16 17	A Q	had with him.
14 15 16 17 18	A Q	time that your medical condition would not interfere in your ability to properly teach and supervise students." Okay. Were you given an option of a medical leave	15 16		had with him. Okay.
14 15 16 17		time that your medical condition would not interfere in your ability to properly teach and supervise students." Okay.	15 16 17		had with him. Okay. You and he together, that's an attorney and
14 15 16 17 18		time that your medical condition would not interfere in your ability to properly teach and supervise students." Okay. Were you given an option of a medical leave	15 16 17 18	Q	had with him. Okay. You and he together, that's an attorney and client.
14 15 16 17 18 19	Q	time that your medical condition would not interfere in your ability to properly teach and supervise students." Okay. Were you given an option of a medical leave during the October 2nd meeting?	15 16 17 18 19	Q A	had with him. Okay. You and he together, that's an attorney and client. Okay.
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1	Q	Yes. Did you ask him to come in and help you and	1	Q	
1 -	Q	, ,			So you separate lethargy from sleeping?
2		represent you after	2	A	I do.
3	A	Yes.	3	Q	Okay. And what's the difference between the two?
4	Q	you received the written reprimand?	4	Α	Sleeping is sleeping, and lethargic is when
5	A	Yes.	5		you're just kind of not feeling good and, you
	Q	Okay. And did you have an opportunity to review	6		know, and you have that urge, you just might want
1		this letter before Mr. Zraik sent it to	7		to go home and go to bed, period, because you
8	_	Dr. Gunner on your behalf?	8	_	just don't feel good.
9	Α	I don't remember that. I know I saw the letter,	9	Q	How does lethargy affect your keeping your eyes
10	_	but I don't remember if it was before or after.	10	_	open and your awareness of surroundings?
11	_Q	Did you approve him sending such a letter?	11	Α	Well, I know where I'm at. I definitely know
12	A	Well, yes, I did.	12		where I'm at. Even earlier here I didn't really
13	Q	And is there anything in this letter that in	13		feel good, but I knew where I was at.
14	_	retrospect you believe is inaccurate?	14	Q	Okay. Other than that issue, that modification,
15	Α	In this letter?	15		is there anything else in Exhibit 7 that you
16	Q	Yes.	16		think is inaccurate?
17	Α	May I look at it again?	17	Α	I think it's pretty accurate
18	Q	Sure.	18	Q	Okay.
19	Α	Yes.	19	Α	except for that date.
20	Q	What is inaccurate in the letter?	20	Q	Okay. If you would set that one aside, please?
21	Α	The date here, September 22, 2008.	21	Α	Just put No. 6 on top here?
22	Q	Okay. Is the date wrong or is the statement that	22	Q	Yes.
23		is made there wrong? "While Mrs. Smith	23	Α	Okay.
24		strenuously denies ever putting any of her	24	Q	Now, if you would take a look at well, one
25		students at risk, she acknowledges that one	25		more question on that document. The purpose of
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		106			108
		occasion she did fall asleep due to a drop in	1		that letter was to ask for a meeting, wasn't it,
2		blood sugar," and he references September 22,	2		in order to discuss accommodations?
3		2008.	3	Α	I don't know if it specifically asked for a
4	Α	Yes.	4		meeting, but it is requesting that we work
_		165.	- 1		meeting, but it is requesting that we work
5	Q	Is that inaccurate?	5		together.
6	Q A		5 6	Q	
1 _	_	Is that inaccurate?		Q	together.
6	Α	Is that inaccurate? Yes, the date is inaccurate.	6	Q	together. "I am also requesting that you take measures to
6 7	Α	Is that inaccurate? Yes, the date is inaccurate. Okay. Do you acknowledge falling asleep on one	6 7	Q A	together. "I am also requesting that you take measures to assure a plan is developed among school
6 7 8	A Q	Is that inaccurate? Yes, the date is inaccurate. Okay. Do you acknowledge falling asleep on one occasion?	6 7 8		together. "I am also requesting that you take measures to assure a plan is developed among school officials, Mrs. Smith"
6 7 8 9	A Q	Is that inaccurate? Yes, the date is inaccurate. Okay. Do you acknowledge falling asleep on one occasion? Well, I told Steve Finn that I must have been	6 7 8 9	A	together. "I am also requesting that you take measures to assure a plan is developed among school officials, Mrs. Smith" Where?
6 7 8 9 10	A Q A	Is that inaccurate? Yes, the date is inaccurate. Okay. Do you acknowledge falling asleep on one occasion? Well, I told Steve Finn that I must have been dosing on September 4th.	6 7 8 9 10	A	together. "I am also requesting that you take measures to assure a plan is developed among school officials, Mrs. Smith" Where? I'm looking at the bottom of 7 "and
6 7 8 9 10 11	A Q A	Is that inaccurate? Yes, the date is inaccurate. Okay. Do you acknowledge falling asleep on one occasion? Well, I told Steve Finn that I must have been dosing on September 4th. Okay. And were you or were you not sleeping on	6 7 8 9 10 11	A	together. "I am also requesting that you take measures to assure a plan is developed among school officials, Mrs. Smith" Where? I'm looking at the bottom of 7 "and Mrs. Smith's physician, that will satisfy the
6 7 8 9 10 11 12	A Q A Q	Is that inaccurate? Yes, the date is inaccurate. Okay. Do you acknowledge falling asleep on one occasion? Well, I told Steve Finn that I must have been dosing on September 4th. Okay. And were you or were you not sleeping on September 4, 2008?	6 7 8 9 10 11 12	A	together. "I am also requesting that you take measures to assure a plan is developed among school officials, Mrs. Smith" Where? I'm looking at the bottom of 7 "and Mrs. Smith's physician, that will satisfy the District's legitimate interests as well as
6 7 8 9 10 11 12 13 14	A Q A Q	Yes, the date is inaccurate. Okay. Do you acknowledge falling asleep on one occasion? Well, I told Steve Finn that I must have been dosing on September 4th. Okay. And were you or were you not sleeping on September 4, 2008? If define sleeping. Well If I was lethargic, yes, I was. If I went back	6 7 8 9 10 11 12 13	A Q	together. "I am also requesting that you take measures to assure a plan is developed among school officials, Mrs. Smith" Where? I'm looking at the bottom of 7 "and Mrs. Smith's physician, that will satisfy the District's legitimate interests as well as addressing Mrs. Smith's needs."
6 7 8 9 10 11 12 13 14 15 16	A Q A Q	Yes, the date is inaccurate. Okay. Do you acknowledge falling asleep on one occasion? Well, I told Steve Finn that I must have been dosing on September 4th. Okay. And were you or were you not sleeping on September 4, 2008? If define sleeping. Well If I was lethargic, yes, I was. If I went back there to, because I didn't feel good and to test	6 7 8 9 10 11 12 13 14	A Q	together. "I am also requesting that you take measures to assure a plan is developed among school officials, Mrs. Smith" Where? I'm looking at the bottom of 7 "and Mrs. Smith's physician, that will satisfy the District's legitimate interests as well as addressing Mrs. Smith's needs." Uh-huh.
6 7 8 9 10 11 12 13 14 15 16	A Q A Q	Yes, the date is inaccurate. Okay. Do you acknowledge falling asleep on one occasion? Well, I told Steve Finn that I must have been dosing on September 4th. Okay. And were you or were you not sleeping on September 4, 2008? If define sleeping. Well If I was lethargic, yes, I was. If I went back there to, because I didn't feel good and to test my sugar and take my insulin, yes, I did. If I	6 7 8 9 10 11 12 13 14	A Q	together. "I am also requesting that you take measures to assure a plan is developed among school officials, Mrs. Smith" Where? I'm looking at the bottom of 7 "and Mrs. Smith's physician, that will satisfy the District's legitimate interests as well as addressing Mrs. Smith's needs." Uh-huh. "Finally, I ask that you provide me with adequate
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6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A Q A Q	Yes, the date is inaccurate. Okay. Do you acknowledge falling asleep on one occasion? Well, I told Steve Finn that I must have been dosing on September 4th. Okay. And were you or were you not sleeping on September 4, 2008? If define sleeping. Well If I was lethargic, yes, I was. If I went back there to, because I didn't feel good and to test my sugar and take my insulin, yes, I did. If I got lethargic and closed my eyes and dozed a	6 7 8 9 10 11 12 13 14 15 16 17	A Q A Q	together. "I am also requesting that you take measures to assure a plan is developed among school officials, Mrs. Smith" Where? I'm looking at the bottom of 7 "and Mrs. Smith's physician, that will satisfy the District's legitimate interests as well as addressing Mrs. Smith's needs." Uh-huh. "Finally, I ask that you provide me with adequate notice in the event you decide to schedule a meeting." Okay.
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6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	A Q A Q A Q A	Yes, the date is inaccurate. Okay. Do you acknowledge falling asleep on one occasion? Well, I told Steve Finn that I must have been dosing on September 4th. Okay. And were you or were you not sleeping on September 4, 2008? If define sleeping. Well If I was lethargic, yes, I was. If I went back there to, because I didn't feel good and to test my sugar and take my insulin, yes, I did. If I got lethargic and closed my eyes and dozed a second, yes, I did. But I did not sleep, per se, put my head on the desk and sleep. Okay. When you say the word "sleep" what do you mean? Usually in those diabetic, especially the highs, I get lethargic, very lethargic sometimes. I'm aware of what's going on.	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	A Q A Q A Q A	together. "I am also requesting that you take measures to assure a plan is developed among school officials, Mrs. Smith" Where? I'm looking at the bottom of 7 "and Mrs. Smith's physician, that will satisfy the District's legitimate interests as well as addressing Mrs. Smith's needs." Uh-huh. "Finally, I ask that you provide me with adequate notice in the event you decide to schedule a meeting." Okay. Okay? And it says, "You decide to schedule a meeting." Okay. And you were hoping, by sending this letter, such a meeting would be scheduled, correct? Probably, yes. And, in fact, a meeting was scheduled and held,
6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	A Q A Q A Q A	Yes, the date is inaccurate. Okay. Do you acknowledge falling asleep on one occasion? Well, I told Steve Finn that I must have been dosing on September 4th. Okay. And were you or were you not sleeping on September 4, 2008? If define sleeping. Well If I was lethargic, yes, I was. If I went back there to, because I didn't feel good and to test my sugar and take my insulin, yes, I did. If I got lethargic and closed my eyes and dozed a second, yes, I did. But I did not sleep, per se, put my head on the desk and sleep. Okay. When you say the word "sleep" what do you mean? Usually in those diabetic, especially the highs, I get lethargic, very lethargic sometimes. I'm aware of what's going on. HUNTLEY REPORTING SERVICE 419-626-4039 800-247-8360	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	A Q A Q A Q	together. "I am also requesting that you take measures to assure a plan is developed among school officials, Mrs. Smith" Where? I'm looking at the bottom of 7 "and Mrs. Smith's physician, that will satisfy the District's legitimate interests as well as addressing Mrs. Smith's needs." Uh-huh. "Finally, I ask that you provide me with adequate notice in the event you decide to schedule a meeting." Okay. Okay? And it says, "You decide to schedule a meeting." Okay. And you were hoping, by sending this letter, such a meeting would be scheduled, correct? Probably, yes. And, in fact, a meeting was scheduled and held, HUNTLEY REPORTING SERVICE

4	109	1 .		111
1	wasn't there?	1	tha	t it would be placed in your file so that
2 A	Is that this one?	2	the	re would be a counter to the letter of
3 Q	No. But based upon your recollection, there was	3	rep	rimand?
4	a meeting held, wasn't there, with you and	4 A	Iaı	m probably aware that anything that went bac
5	Mr. Zraik and Dr. Gunner, to discuss your	5	and	forth to anybody would have gone into my
	request?	6	file	
, A	I don't think a specific meeting was held to	7 G) Oka	y. Did you see this letter before it was
8	discuss this request.	8	sen	
9 Q	You don't believe there was a meeting held to	9		MR. BELAZIS: Asked and answered.
10	discuss?	10		MS. GRIGSBY: Well, this is a different
11 A	I think there was a meeting held, yes, but I	11	lette	· · · · · · · · · · · · · · · · · · ·
IIA		12	ieue	
	think there was one on reprimand and he discussed			MR. BELAZIS: The Zraik letter?
3	it at that meeting.	13		MS. GRIGSBY: This is the second,
14 Q	Was there a meeting in which you were present,	14	ther	e's two Zraik letters.
15	Mr. Zraik was present and Dr. Gunner was	15		THE WITNESS: She got it mixed up.
16	present	16		MS. GRIBSBY: There are two Zraik
17 A	Uh-huh.	17	lette	ers.
8 Q	that followed the sending of this letter?	18		MR. BELAZIS: Did you give me that?
9 A	This one here, No. 6?	19		THE WITNESS: No. Then were on this
20 Q	Yes. That followed the sending I'm sorry, No.	20	one	here, I think.
21	7.	21		MS. GRIGSBY: Yes, we're talking about
2 A	No. 7.	22	No.	- · · · · · · · · · · · · · · · · · · ·
3 Q	Mr. Zraik's letter to Dr. Gunner, did a meeting	23	140.	THE WITNESS: And this should have been
.5 Q 24	follow in the wake of that letter at which time	24	6.	THE WITNESS. And this should have been
5			0.	MD DELAZIO Militar de la la
.5	the issue of your diabetes was discussed among	25		MR. BELAZIS: Which one did you answer
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	800-247-8360			800-247-8360
	110			112
	you, Dr. Gunner, and Mr. Zraik?	1	first	?
2 A	You know, I honestly don't remember. If we had a	2		MS. GRIGSBY: The one identified
3	meeting just to discuss the accommodation, I	3		THE WITNESS: She gave me she
4	don't remember.	4	num	bered them wrong. This should be 7 and this
5 Q	Okay.	5	shou	ıld be 6.
6 A	I mean, just a	6		MR. BELAZIS: You originally handed
7 Q	Okay. Let me ask you about Exhibit 6	7	her	
8 A	Okay.	8		THE WITNESS: This was one we were
9 Q	and then we'll go back to that issue.	9	talki	ng about.
0 A	All right.	10	Carki	_
1 Q	_		l	MS. GRIGSBY: Right. I originally
	Can you identify the document that's been marked	11		ded her the one marked 7, but it's
2	as Exhibit 6, dated October 14, 2008, on the	12	chro	nologically earlier than 6.
3	letterhead of Thomas Zraik?	13		MR. BELAZIS: Let me just read this.
4 A	Yes, "Rebuttal To Reprimand."	14		MS. GRIGSBY: Okay.
5 Q	What is this document?	15		MS. GRIGSBY:
6 A	It's the letter that Mr. Zraik wrote in answer to	16 Q	. And	while your counsel is doing that you can take
7	my to the reprimand.	17	a m	oment to review it as well.
8 Q	Was he requesting that this rebuttal to the	18		MR. BELAZIS: But she's answered
9	reprimand be included within your file?	19	ques	stions about the one dated the 6th already?
0 A	Well	20	,	MS. GRIGSBY: No. She answered
1	MR. BELAZIS: I think the letter will	21	ane	stions about the one yes. Yes, the one
2	speak for itself.	22		d the 6th.
3	·	23	uate	
s A	THE WITNESS: Speaks for itself, yes.			MR. BELAZIS: She acknowledged an
_	BY MS. GRIGSBY:	24	inac	curate date.
Q	Was that your understanding of the purpose of it,	25		MS. GRIGSBY: I'm now asking her about
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	419-626-4039	1		419-626-4039
	800-247-8360			

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		113			115
1		Exhibit 6 dated October 14th.	1	Q	Correct?
2		MR. BELAZIS: Okay, I got it. Let me	2	Α	Yes.
3		read it, so hold on.	3	Q	Okay. As a result of this letter, do you know
4		THE WITNESS: Yes.	4		following this letter, whether a meeting was held
5		MR. BELAZIS: Okay.	5		to discuss the request made in this letter?
)	BY MS, GRIGSBY:	6		MR. BELAZIS: Carol, are you okay?
	['] Q	Tell me when you're ready.	7		THE WITNESS: Yes, I'm okay, I'm just
8	A	Okay.	8		· · · · · · · · · · · · · · · · · · ·
9	Q	•	1	٨	dimming the light.
	Q	Okay. First question, were you aware that	9	Α	You know, I can't remember. I think there was a
10		Mr. Zraik was going to be preparing and sending	10	_	meeting, but I can't remember exactly.
11		this "Rebuttal to Reprimand" on your behalf?	11	Q_	Okay. Let me try to refresh your recollection.
12	A	At this point in time, I was.	12		THEREUPON, Defendants' Exhibit 9 was marked for
13	Q	Did you approve the content of this letter?	13		identification.
14	Α	He sent me a copy of it.	14	Q	Mrs. Smith, if you would take a minute to look at
15	Q	And did you disagree with anything he proposed to	15		Exhibit 9 and tell me if you recognize it?
16		communicate?	16	Α	Okay.
17	Α	No, this time the date was correct.	17	Q	Do you recognize the document that's been marked
18	Q	Okay. Now, in the third paragraph of the letter,	18		as Exhibit 9?
19		down at the bottom, the statement is made,	19	Α	Yes.
20		"Please be advised that Mrs. Smith's diabetes has	20	Q	Is this a letter that you received from
21		never prevented her from performing the essential	21	_	Dr. Gunner requesting you to attend a meeting to
22		functions of her job, nor has she ever placed any	22		discuss Mr. Zraik's request for accommodation?
23		of her students at risk or in harms way as a	23	Α	Yes.
24		result of her diabetic symptoms." Is that a	24	Q	
25			1	Q	And he invites Mr. Zraik's attendance at the
25		correct statement?	25		meeting as well, correct?
		HUNTLEY REPORTING SERVICE			HUNTLEY REPORTING SERVICE
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		800-247-8360			800-247-8360
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	A	Yes.	1	Α	Yes.
2	A Q	Yes. Okay.	1 2	A Q	•
2 3	Q A	Yes. Okay. I don't think I've ever put anybody in harms way.			Yes.
١ ـ	Q	Yes. Okay. I don't think I've ever put anybody in harms way. And it's true that your diabetes never prevented	2		Yes. And he's proposing that the meeting take place on
3	Q A	Yes. Okay. I don't think I've ever put anybody in harms way.	2 3		Yes. And he's proposing that the meeting take place on October 23, 2008, at 4 o'clock at the
3 4	Q A	Yes. Okay. I don't think I've ever put anybody in harms way. And it's true that your diabetes never prevented	2 3 4	Q	Yes. And he's proposing that the meeting take place on October 23, 2008, at 4 o'clock at the Administrative Service Center?
3 4 5	Q A	Yes. Okay. I don't think I've ever put anybody in harms way. And it's true that your diabetes never prevented you from performing the essential functions of	2 3 4 5	Q A	Yes. And he's proposing that the meeting take place on October 23, 2008, at 4 o'clock at the Administrative Service Center? Yes.
3 4 5 6	Q A Q	Yes. Okay. I don't think I've ever put anybody in harms way. And it's true that your diabetes never prevented you from performing the essential functions of your job, correct?	2 3 4 5 6	Q A	Yes. And he's proposing that the meeting take place on October 23, 2008, at 4 o'clock at the Administrative Service Center? Yes. Does that refresh your recollection as to whether
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Γ		Case: 3:11-cv-00560-JRK Doc #: 103	FIIE	1. U 1	
1	Q	Okay. Does this letter accurately summarize the	1		119 MR. BELAZIS: You're suggesting there
2	•	discussions that occurred between you and your	2		was an agreement with the parties.
3		attorney, Mr. Zraik, and Dr. Gunner at that	3		MS. GRIGSBY: Okay, I understand what
4		meeting?	4		you're saying.
5	Α	Yes.	5		BY MS. GRIGSBY:
	Q	The first sentence of the letter indicates that	6	Q	Two things, first of all, in this meeting there
7	W	"This letter is a follow up to our meeting held	7	Q	
8			8		was a discussion and Dr. Gunner says in the
		on Thursday, October 23rd regarding your request	_		letter that he agreed to the following
9		for accommodations with your job because of	9		accommodations. So my question to you is, is it
10		ongoing diabetes care." Is that an accurate	10		true is the description of the accommodations
11	Α	statement?	11		to which he agreed at that meeting accurately set
12	A	Yes.	12		forth in this letter?
13	Q	And the accommodations requested at that meeting	13	A	You mean to what he said that I could have?
14		a!! pertain to the issue of a need to accommodate	14	Q	Yes.
15	_	your diabetes?	15	Α	Is that what you're saying?
16	A	Yes.	16	Q	Right. Does this accurately reflect what he said
17	Q	Was there any discussion at that meeting	17		he would do?
18		concerning the cataract surgery that you had and	18	Α	Yes.
19		the resulting complications?	19	Q	Okay. Okay. Is there anything that he said he
20	Α	At this particular meeting, I don't believe so.	20		would do with respect to your diabetes that is
21	Q	Okay. Now, according to this letter there were	21		not set forth in this letter?
22		certain job accommodation that Dr. Gunner agreed	22		MR. BELAZIS: Isn't that the same as
23		to as a result of the meeting, correct?	23		the first question you asked?
24	Α	Yes.	24		THE WITNESS: Yes.
25	Q	And does this letter accurately set forth the	25		MS. GRIGSBY: I'm just asking whether
		HUNTLEY REPORTING SERVICE			HUNTLEY REPORTING SERVICE
		419-626-4039			419-626-4039
		800-247-8360			800-247-8360
		118			100
D 4535	1	110	1		120
		accommodations that he agreed to provide?	1		it's complete?
2	A		1 2		
2 3	A Q	accommodations that he agreed to provide?	l .		it's complete? THE WITNESS: I'm confused again. MR. BELAZIS: I think she asked the
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Γ		Case: 3:11-cv-00560-JRK Doc #: 103	File	d: OT	/12/15 31 of /0. PageID #: 831
1		he would do that is not in this letter?	1		
			1		nobody ever really approached me and said, "Are
2	Α	Oh, the nurse's office thing there. He told, he	2		you okay? Are you asleep or are you a wake?"
3		said that I can go to the nurse's office whenever	3	_	you know, as far as that goes.
4		I needed to, and he said that here, but the	4	Q	Is that let me ask you about that particular
5		nurse's office was not always available.	5		issue for a moment. During the meeting with
	Q	Okay. Now, did you or your attorney, Mr. Zraik,	6		Mr. Zraik and Dr. Gunner, in which you discussed
7		ever send anything in writing to Dr. Gunner or	7		your accommodations, did you make a specific
8		anybody else at the school in response to this	8		request that if you appeared to be asleep that
9		letter, this, meaning Exhibit 10?	9		people make inquiry of you and ask if you need
10	Α	I'm not sure. I don't remember.	10		assistance? Is that what you were asking for?
11	Q	Sitting here today, you don't recall any	11	Α	No, that's what they said would happen.
12	A	No.	12	Q	Okay. Did you make a request that, of any sort,
13	Q	writings being issued?	13	•	that when you appeared to be asleep that some
14	A	Not unless I have everything in front of me.	14		· · · · · · · · · · · · · · · · · · ·
1				Α.	particular accommodation be provided?
15	Q	Okay. I will tell you that I have not seen one.	15	A	You have to rephrase that. Ask me that again.
16	A	Uh-huh. I probably haven't seen it then either.	16	Q	Sure.
17	Q	Okay. You can't, you don't believe is it true	17	A	If I'm asleep I can't ask for it.
18		that you don't believe a letter was sent in	18	Q	I'm asking in a situation in which you appeared
19		response to this one?	19		to be asleep, did you ask that something happen,
20	Α	By Mr. Zraik?	20		that the school do something for you in
21	Q	Or by yourself.	21		circumstances in which you appear to be asleep?
22	Α	No, because I think at that meeting we agreed to	22	Α	Did I ask for it?
23		these things and then here he put it in writing.	23	Q	Yes. Or you or your attorney, did you make a
24	Q	Okay. Is it your understanding that this later	24		request that the school do something in
25		letter of November 18th, that's marked as	25		particular?
		HUNTLEY REPORTING SERVICE			HUNTLEY REPORTING SERVICE
		419-626-4039			419-626-4039
		800-247-8360			800-247-8360
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100		122			124
		122 Exhibit 10, this is just simply confirming the	,	Δ	124
2		Exhibit 10, this is just simply confirming the	1 2	A	Yes, to monitor, to go to monitor my, my sugar
2	Σ.	Exhibit 10, this is just simply confirming the discussions that you had in the meeting?	2		Yes, to monitor, to go to monitor my, my sugar levels and take insulin if needed.
3	A	Exhibit 10, this is just simply confirming the discussions that you had in the meeting? The discussions.	2	A Q	Yes, to monitor, to go to monitor my, my sugar levels and take insulin if needed. Okay. Did you make a request that when you
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3 4 5	_	Exhibit 10, this is just simply confirming the discussions that you had in the meeting? The discussions. Okay. Now, during the courses of the meeting was there anything that you discussed with Dr. Gunner	2 3 4 5	Q	Yes, to monitor, to go to monitor my, my sugar levels and take insulin if needed. Okay. Did you make a request that when you appeared to be asleep that people be required to rouse you?
3 4 5 6	_	Exhibit 10, this is just simply confirming the discussions that you had in the meeting? The discussions. Okay. Now, during the courses of the meeting was there anything that you discussed with Dr. Gunner or Mr. Zraik, on your behalf, that you wanted to	2 3 4 5 6		Yes, to monitor, to go to monitor my, my sugar levels and take insulin if needed. Okay. Did you make a request that when you appeared to be asleep that people be required to rouse you? Well, I personally, specifically
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1		Case: 3:11-cv-00560-JRK Doc #: 103	HIEC	d: 01	/12/15_32 of 70. PageID #: 832 127
1		125 topic of discussion. He just, you know, if I	1		on this issue of arousal, I want to hear about
2		seem to be asleep then somebody should ask me if	2		it.
3		I'm okay.	3	Α	Okay.
4	Q	Did you say that or he say that?	4	Q	Okay. Is there more that you can remember about
5	A	No. I don't remember.	5	Q	what was said at the meeting, not what happened
]	ેQ	Okay.	6		later, what was said at the meeting on the issue
7	्र A	Aii I remember is the topic came up of arousal.	7		of arousal?
8	Q	Okay. Uh-huh. And you don't remember who said	8	Α	I really can't remember.
9	•	what about it?	9	Q	Okay. Now, let's talk, you've alluded to this
10	Α	No, not six years later, I'm sorry.	10	•	briefly as we've gone along. This November 18th
11	Q	Okay.	11		letter, Exhibit 10, states "That the school nurse
12	Ā	I don't remember. I know we had a very big	12		will conduct an informational session with staff
13		discussion on what to do about, about if I was	13		where general information on diabetes will be
14		having any problems.	14		shared with staff to increase awareness of the
15	Q	And	15		disease, warning signs, and typical symptoms of
16	A	And basically, you know, it's here.	16		low and high blood sugar." And I believe you
17	Q	You said, "Basically it's here," you're referring	17		told me that it was your understanding that a
18		now to Exhibit 10?	18		similar session was going to be had with
19	Α	Yeah, what he said.	19		students, correct?
20	Q	And is it your position that Exhibit 10 is a	20	Α	Correct.
21		pretty thorough description of the	21	Q	Did you ever have a discussion or send
22	Α	No.	22		communication to the nurse or to Dr. Gunner, or
23	Q	Okay. Well, tell me, tell me what you meant when	23		anybody else in administration, concerning what
24		you said, "Basically it's here?"	24		personal medical information you would permit to
25	Α	We discussed that, you asked me that.	25		be disseminated?
		HUNTLEY REPORTING SERVICE			HUNTLEY REPORTING SERVICE
		419-626-4039			419-626-4039
		800-247-8360			800-247-8360
		126			128
	/Q	Okay.	1		MR. BELAZIS: Where are you looking at?
2	Α	And I told you here, that I did not get classroom	2		I'm sorry.
3			1 -		·
4		coverage, that I did not get access to the	3	_	THE WITNESS: Yes.
1	•	nurse's office.	4	Q	THE WITNESS: Yes. I'm now just asking a general. After that
5	Q	nurse's office. Okay. And I'm talking about what was said in the	4 5		THE WITNESS: Yes. I'm now just asking a general. After that meeting
5 6	Q	nurse's office. Okay. And I'm talking about what was said in the meeting, not what happened later, okay? Not what	4 5 6	A	THE WITNESS: Yes. I'm now just asking a general. After that meeting Did I give them information?
5 6 7	Q	nurse's office. Okay. And I'm talking about what was said in the meeting, not what happened later, okay? Not what happened later. I want to know what happened in	4 5 6 7		THE WITNESS: Yes. I'm now just asking a general. After that meeting Did I give them information? did you give them information and did you say,
5 6 7 8		nurse's office. Okay. And I'm talking about what was said in the meeting, not what happened later, okay? Not what happened later. I want to know what happened in the meeting.	4 5 6 7 8	A	THE WITNESS: Yes. I'm now just asking a general. After that meeting Did I give them information? did you give them information and did you say, "I will permit this aspect of my personal medical
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		Case: 3:11-cv-00560-JRK_Doc_#: 103	FIIEL	· · · · · · ·	
	_	129		_	131
1	Q	And did you ever advise the school in writing	1	Q	Well, you have some general knowledge of the
2		that you had given such permission?	2		disease of diabetes
3	Α	No, nobody never asked me after that.	3	Α	Of course.
4	Q	Now in your discovery responses you indicate that	4	Q	by virtue of the fact that you suffer from it,
5		there was a meeting held	5		correct?
	A	Okay.	6	Α	Correct.
1	Q	with you and Mr. Finn to discuss putting	7	Q	And you've had numerous conversation with your
8	_	together a program about diabetes.	8	-	doctors about diabetes, correct?
9	Α	Uh-huh.	9	Α	Yes.
1	_		1		
10	Q	Now, was there such a meeting?	10	Q	And did you think that the program of diabetes
11	A	Yes. That was when he said that he'll give it to	11		education was to be provided to students and
12		the school nurses when I told him I'd be willing	12		staff needed to include more in-depth information
13		to give him everything.	13		than you personally knew?
14	Q	Okay. So were you asked by Mr. Finn to compile	14	Α	The medical part, yes.
15		some information about diabetes?	15	Q	You believe it should be that in-depth?
16	Α	He never asked for me to get it personally, he	16	Α	I can tell you what my blood sugars are from
17		just simply told me he'll have the school nurses	17		since I test six to eight times a day, but I
18		put the plan together.	18		can't tell you exactly what causes them to go up
19	Q	Well, let me just take a moment, please.	19		or down.
20	~	THEREUPON, Defendants' Exhibit 11 was marked	20	Q	
21		for identification.	1	w.	And when Mr. Finn asked you to assist in
1	^		21		compiling information on diabetes for this
22	Q	Carol, I'm handing you what's been marked as	22		program, you responded by saying, "I don't know
23		Exhibit 11, which are your responses to	23		where to go to get the information?"
24		Interrogatories and Requests For Production Of	24	Α	No. I told him I don't have a medical
25		Documents.	25		background. I asked where he wanted me to go for
		HUNTLEY REPORTING SERVICE			HUNTLEY REPORTING SERVICE
		419-626-4039			419-626-4039
		800-247-8360			800-247-8360
⊢—			-		
1,		130			132
	Δ	130 Ub-bub.	1		the information and he could have suggested, but
9	A	Uh-huh.	1		the information and he could have suggested, but
2	A Q	Uh-huh. Do you remember assisting your former attorney,	2	0	the information and he could have suggested, but he did not respond and he didn't say anything.
3	_	Uh-huh. Do you remember assisting your former attorney, Mr. Kramer, with the preparation of these	2 3	Q	the information and he could have suggested, but he did not respond and he didn't say anything. Does he have a medical background?
3 4	Q	Uh-huh. Do you remember assisting your former attorney, Mr. Kramer, with the preparation of these responses?	2 3 4	Α	the information and he could have suggested, but he did not respond and he didn't say anything. Does he have a medical background? No.
3 4 5	Q A	Uh-huh. Do you remember assisting your former attorney, Mr. Kramer, with the preparation of these responses? Yes.	2 3 4 5	A Q	the information and he could have suggested, but he did not respond and he didn't say anything. Does he have a medical background?
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3 4 5 6	Q A Q	Uh-huh. Do you remember assisting your former attorney, Mr. Kramer, with the preparation of these responses? Yes. And do you remember signing these responses?	2 3 4 5 6	A Q A	the information and he could have suggested, but he did not respond and he didn't say anything. Does he have a medical background? No. Okay. At least I don't think so.
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3 4 5 6 7 8 9	Q A Q A Q	Uh-huh. Do you remember assisting your former attorney, Mr. Kramer, with the preparation of these responses? Yes. And do you remember signing these responses? Yes. Would you turn to page 16 and your Response to Interrogatory No. 7?	2 3 4 5 6 7 8 9	A Q A Q	the information and he could have suggested, but he did not respond and he didn't say anything. Does he have a medical background? No. Okay. At least I don't think so. Okay. Now, as far as you know, was there ever meetings or communications made with staff members and students about diabetes? No.
3 4 5 6 7 8 9	Q A Q A Q A	Uh-huh. Do you remember assisting your former attorney, Mr. Kramer, with the preparation of these responses? Yes. And do you remember signing these responses? Yes. Would you turn to page 16 and your Response to Interrogatory No. 7? Okay. Referring to the second paragraph of your	2 3 4 5 6 7 8 9	A Q A Q	the information and he could have suggested, but he did not respond and he didn't say anything. Does he have a medical background? No. Okay. At least I don't think so. Okay. Now, as far as you know, was there ever meetings or communications made with staff members and students about diabetes? No. The fact that those meetings did not occur, did
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		Case: 3:11-cv-00560-JRK_Doc #: 103	Flie	<u>u</u> U1	
		133			135
1		information about diabetes	1	Α	I was in the library one time helping put books
2	Α	Okay.	2		away and there was a book on medical things and
3	Q	the fact that that did not happen	3		it just so and I just looked up the diabetes
4	Α	Right.	4		thing and he walked by and I said, "Here's some
5	Q	did that in any way prevent you from	5		information for you," and he just kept going.
)	appropriately supervising students?	6	Q	You gave him the book?
7	Α	No. Sometimes I would take a piece, a candy bar	7	Α	No, he just kept going.
8		or something, and a kid says, "We're not allowed	8	Q	Okay. Did he respond to your
9		to eat in class," and I would explain that I was	9	Α	No.
10		diabetic and they have to indulge, and if I had	10	Q	And you don't know whether he heard you or not?
11		enough I would hand them out to them.	11	Α	I thought he did, because I was loud enough.
12	Q	So you, in fact, then communicated with students	12	Q	Okay. Now after the November 18, 2008 letter was
13		on an as needed basis about	13		issued, did you ever make a request for classroom
14	Α	On an as needed base.	14		coverage
15	Q	about the effects of your condition?	15	Α	Is it this one?
16	Α	It was not my place to educate them though.	16	Q	Yes. Yes, ma'am. Did you ever make a request
17		THE WITNESS: May I say something or	17		for classroom coverage in order to depart the
18		maybe not?	18		classroom and make an insulin injection
19		MR. BELAZIS: No, you may not. Just	19	Α	Yes.
20		answer her questions.	20	Q	in which, and the response to the request was,
21		THE WITNESS: Okay.	21		"No, you may not have coverage?"
22		BY MS. GRIGSBY:	22	Α	Yes.
23	Q	Did you ever get back to Mr. Finn with	23	Q	Okay. Who told you that?
24	-	information that you thought might be useful to	24	Ā	I was to call the school office. There was
25		use at a meeting to educate students and staff	25		phones in the classroom and I was to call the
		HUNTLEY REPORTING SERVICE			HUNTLEY REPORTING SERVICE
		419-626-4039			419-626-4039
		800-247-8360			800-247-8360
			+		
1.		134			136
)	134 about diabetes?	1		136 office and they would tell me they'll send
2	}		1 2		
2 3	}	about diabetes?	i	Q	office and they would tell me they'll send
		about diabetes? MR. BELAZIS: I think that's been asked	2	Q A	office and they would tell me they'll send somebody down. Did you ever make that request and nobody came?
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3 4	Q	about diabetes? MR. BELAZIS: I think that's been asked and she's answered. THE WITNESS: Yes.	2 3 4	-	office and they would tell me they'll send somebody down. Did you ever make that request and nobody came? One time, and when they did get there they said that somebody stopped them.
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		137			139
1	Α	Yes.	1		covering the classroom?
2	Q	How many times did coverage not come?	2	Α	No.
3		MR. BELAZIS: Carol, if you remember.	3	Q	Okay.
4		THE WITNESS: Yes, I'm trying to count	4	Α	I had no choice.
5	Α.	here who I asked and what happened.	5	Q	Did you follow up and inquire why nobody came in
	∂ A	Seven that I can think of.	6		response to your request?
7	Q	Okay. You say if there were seven times that	7	Α	Yes.
8		coverage did not come, how many times did it	8	Q	What did you learn?
9		come?	9	Α	I learned that every time they asked somebody to
10	Α	I have to think again.	10		come down, nobody would come, they couldn't come.
11	Q	Okay.	11	Q	So that they did request people to go?
12	Α	Probably six or seven.	12	Α	Yes.
13	Q	Okay. Now, let's talk about the seven times when	13	Q	And no one was available to come?
14		coverage did not come.	14	Α	I don't know why nobody came.
15	Α	Uh-huh.	15	Q	Is that what you were informed?
16	Q	Did those all happen at the junior high, the	16	Α	A couple times they told me there was nobody
17		middle school building?	17		available to get down there.
18	Α	Yes.	18	Q	Okay. On this particular occasion, were you told
19	Q	Okay. And this would have been in the school	19		that they had asked people to go and they were
20		year 2008-2009?	20		unable to get there?
21	Α	Yes.	21	Α	No, they said they'll try and send somebody down.
22	Q	Okay. Because we know 2009-2010 you were at the	22	Q	More quickly?
23		high school?	23	Α	Well, as soon as they can.
24	Α	Right.	24	Q	Okay. Did they give you any other explanation as
25	Q	So seven times during 2008-2009 you called to the	25		to why nobody came on that occasion?
		HUNTLEY REPORTING SERVICE			HUNTLEY REPORTING SERVICE
		419-626-4039			419-626-4039
		800-247-8360			800-247-8360
		138		_	140
_	•	office and said, "I need someone to cover my	1	A	No.
2		classroom because I need to depart to make an	2	Q	Tell me about the second and do you have an
3		injection?"	3	_	estimate of the date of that event?
4	A	Yes.	4	Α	Oh, God. That event, that particular event was
5	Q	Okay. And can you tell me when the first	5		in November. I remember that because it was
6		occasion occurred or the circumstances	6		raining outside and I felt so bad that as soon as
7		surrounding the first occasion?	7		_
8					the class was over, and I didn't care if I have
•	Α	I felt sick to my stomach and got very lethargic,	8		to walk across that parking lot, I happen to walk
9	Α	again, I called the office and said, "Dawn, I	8 9		to walk across that parking lot, I happen to walk over from the high school and I knew that I was
10	Α	again, I called the office and said, "Dawn, I need to I think I need a shot here," and she	8 9 10		to walk across that parking lot, I happen to walk over from the high school and I knew that I was just I was so sick I just got back to my car
10 11	Α	again, I called the office and said, "Dawn, I need to I think I need a shot here," and she said, "I'll get somebody down there." Are you	8 9 10 11		to walk across that parking lot, I happen to walk over from the high school and I knew that I was just I was so sick I just got back to my car in the rain, I didn't care if it was raining or
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<u> </u>		Case: 3:11-cv-00560-JRK Doc #: 103 F	ilec	d: 01	
	_	141		_	143
1	Q	Okay,	1	Q	Another incident in November?
2	Α	When they weren't sure that somebody could come	2	A	At the end of the month.
3		down, they would always try to get they'd	3	Q	Okay.
4		always say, "We'll try to get somebody down	4	Α	And the reason I knew that, is because we were
5	N.	there." A couple times they said they could not	5		breaking for Thanksgiving and, and I just, I knew
4		find anybody to come down.	6		I needed a shot and Dawn answered the phone and
7	Q	On this one they said "We'll try to get somebody	7		she was very busy, she was in the office by
8		down there?"	8		herself
9	Α	Uh-huh.	9	Q	Uh-huh.
10	Q	And after nobody came and you were forced to go	10	Α	and she says, "I have nobody to send down."
11		to the 8th grade restroom, did you go to Mr. Finn	11	Q	What was your response to that?
12		and say, "Look, I requested assistance and nobody	12	Α	I waited for as long as I could.
13		came?"	13	Q	When she said, "I have nobody to send down," how
14	Α	No, I left then and walked right back down to my	14		did you did you verbalized a response to her?
15	_	car and went home, I was feeling that terrible.	15	Α	No.
16	Q	On the next day	16	Q	Okay.
17	Α	The next day I told, I one time I said to him,	17	Α	I said I needed somebody, but that was it.
18		and I can't remember if it was that occasion or	18	Q	Okay. And so when you waited and nobody came,
19		not, "That nobody was available to come down to	19		then what did you do?
20		my room for if I needed insulin."	20	Α	When I waited and nobody came, at that time it
21	Q	And	21		was towards the end of the day and knew I'd make
22	Α	And he said he'll try.	22		it until after the kids left, and as soon as that
23	Q	He said	23		boy left then I quick took my sugar and took my
24	Α	He said he'll try to see to it that there's	24		insulin.
25		somebody there.	25	Q	Okay. Did you bring to the attention, to
		HUNTLEY REPORTING SERVICE			HUNTLEY REPORTING SERVICE
		419-626-4039			419-626-4039
		800-247-8360			800-247-8360
Œ.	_	142			144
_	Q	Okay. Do you have any reason to know whether	1		Mr. Finn's attention, the fact that you made a
2		Dawn informed him on that event	2		request for coverage and Dawn the told you there
3	A	No, I don't know.	3	_	was nobody available?
4	Q	that you had made the request?	4	Α	No.
5	A	I wasn't in the office, I don't know.	5	Q	Did you bring it to Mr. Gunner, or Dr. Gunner's
6	Q	Okay. Now, you said there were six other times?	6	_	attention?
7	A	About six, I think, that I can recollect here.	7	Α	No. Was I supposed to bring all of these things
8	Q	Okay.	8	_	to their attention?
9		MR. BELAZIS: Can I make a couple quick	9	Q	I'm just asking if you did?
10		calls before you go through these six?	10	A	Oh, okay.
11		MS. GRIGSBY: Sure thing. Yes. Yes.	11	Q	Now, that's the second occasion. Do you remember
12	^	THEREUPON, there was a brief recess.	12		the next occasion in which you requested coverage
13	Q	Carol, when we broke we were speaking about	13		of your classroom in the middle school and
14		incidents in which you requested classroom	14		somebody did not come?
15 16	۸	coverage	15	Α	Yes. They said the guidance counselor will be
16 17	A	Right.	16	_	right down and then he got way late.
17 10	Q	at the middle school, and you recalled seven	17	Q	Who is the guidance counselor?
18		incidences in which you requested coverage and it	18	A	John Stradtman.
19 20	٨	did not come.	19	Q	So you were informed by the office that someone
20 21	Α	Approximately seven, I don't Know if I recall	20		was coming?
	0	each time.	21	Α	Yes.
22 23	Q	Okay. You described the first one for me, one	22	Q	Did they identify it as John?
24		that occurred in November of 2008, can you	23	A	Yes, they told me Mr. Stradtman will be down.
	Α	remember the next time that you It was in November.	24	Q ^	And you later learned that he got diverted?
Cont.	~		25	Α	Yes.
		HUNTLEY REPORTING SERVICE 419-626-4039			HUNTLEY REPORTING SERVICE
		800-247-8360			419-626-4039
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1	Q	What were you told?	1	A	That was the music room.
2	Α	He told me right after school, he said, "Carol,	2	Q	In the middle school?
3		somebody stopped me and I just couldn't get down	3	Α	Yes.
4		there, because it was very important." That's	4	Q	And this, we sometimes refer to it as the choir
5		all he said to me.	5		room?
(EX)Q	So he essentially apologizing to you?	6	Α	Yes.
7	Α	Yes.	7	Q	And this is the room where your duty was to
8	Q	Did you bring that issue to the attention of	8	Α	Sit there for the kids.
9		Mr. Finn or Dr. Gunner?	9	Q	to supervise in-school suspended students?
10	Α	No.	10	Α	Yes.
11	Q	Okay. Do you remember the next time, the fourth	11	Q	And on this particular event, when you were
12		time, that you requested coverage and nobody	12		unable to get anybody there promptly, how many
13		came?	13		students were in the room?
14	Α	Yes, I do.	14	Α	One. One or two, I should say.
15	Q	When did that happen?	15	Q	And were they aware that you had this problem of
16	Α	That happened, it was in December, I think, it	16		losing control?
17		was in the beginning. It was after we came back,	17	Α	Losing control of when I had that accident?
18		it was in December.	18	Q	Yes. Right.
19	Q	2008?	19	A	There was one in there that time and, trust me, I
20	Α	Uh-huh.	20		did not get up out of that seat.
21	Q	What happened in that circumstance?	21	Q	Okay.
22	Α	Well, this is very embarrassing. I'm not sure	22	A	I knocked my bottle of water over and said, "I
23	Q	We will think nothing of it. Don't feel	23		knocked the water over."
24		uncomfortable.	24	Q	And that's how you explained situation?
25	Α	Not only did I feel like I needed an insulin	25	A	Yes, I was very embarrassed.
		HUNTLEY REPORTING SERVICE	-		HUNTLEY REPORTING SERVICE
		419-626-4039			419-626-4039
		800-247-8360			800-247-8360
7		146			148
	J.	shot, but I also had to use the restroom	1	Q	Did you later have any conversations with Dawn as
2	Q	I understand.	2		to why nobody came?
۱ - ۵			1 -	_	
3	Α	and nobody was available to come down, and I	3	Α	Yes, I did. As a matter of fact, not on that
4	Α	and nobody was available to come down, and I actually did not make it to the restroom.	3 4	Α	Yes, I did. As a matter of fact, not on that date but
1 .	A Q	-		_	date but
4		actually did not make it to the restroom.	4	A Q A	date but At some point?
4 5	Q	actually did not make it to the restroom. Okay. Now, you made a phone call to the office?	4 5	Q	date but At some point? Yeah. And she said there's just simply nobody to
4 5 6	Q A	actually did not make it to the restroom. Okay. Now, you made a phone call to the office? Yes.	4 5 6	Q A	date but At some point? Yeah. And she said there's just simply nobody to send down there, everybody is busy.
4 5 6 7	Q A Q	actually did not make it to the restroom. Okay. Now, you made a phone call to the office? Yes. And who did you speak with?	4 5 6 7	Q	date but At some point? Yeah. And she said there's just simply nobody to send down there, everybody is busy. And so did she indicate that she had tried to get
4 5 6 7 8	Q A Q A	actually did not make it to the restroom. Okay. Now, you made a phone call to the office? Yes. And who did you speak with? I spoke with Dawn. And what did Dawn say?	4 5 6 7 8	Q A	date but At some point? Yeah. And she said there's just simply nobody to send down there, everybody is busy. And so did she indicate that she had tried to get somebody?
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		149			151
1		and to Tammy, I said, "Something has got to give	1	Q	Okay. And then the last time, the seventh time,
2		here, girls."	2		can you tell me about it?
3	Q	And how did they say or how did they respond?	3	Α	Yes. It just, I was able to hang on on that
4	Α	They laughed and said, "Usually there's somebody	4		occasion. That, in fact, I think that was in
5.		to send down, Carol."	5		March, because it was getting kind of nice out
16.38	Q	Okay. And in that particular circumstance there	6		and I was able to hang on. And when Dawn just
7		was not?	7		said there was nobody available, and then I just
8	Α	No.	8		waited until the end and went to my car and took
9	Q	Okay. Do you remember the fifth time that you	9		my insulin.
10		called for coverage and it was not provided?	10	Q	Okay. Now, I've heard you say that on all of
11	Α	Oh, I don't know. That might have been in or	11	_	these seven incidents you spoke with Dawn
12		around January.	12	Α	And Tammy, too.
13	Q	Of 2009?	13	Q	and Tammy, but you never spoke directly with
14	A	Yeah. In fact, I called down there and they said	14	•	Mr. Finn or Dr. Gunner about the fact that nobody
15	^	nobody was available. And I waited, it was about	15		
16		•	16		came?
17		ten minutes, and the janitor happen to come in,			MR. BELAZIS: Objection. That's
1		and I said, "Could you stay here for just	17		inconsistent with her earlier testimony.
18		five minutes?" And he did, he stood there and I	18	_	MS. GRIGSBY: Okay.
19		quick ran to the restroom and took an insulin	19	Q	Well, let me ask it to you this way
20	_	shot.	20		MR. BELAZIS: She's already testified
21	Q	And the person who said there's nobody available,	21		about that issue.
22	_	was Dawn or Tammy?	22		MS. GRIGSBY: If she did, you know, I
23	Α	Usually Dawn.	23		need to ask you again, because I'm not
24	Q	Okay. It was	24		understanding.
25	Α	Tammy answered the phone once or twice.	25		BY MS. GRIGSBY:
		HUNTLEY REPORTING SERVICE			HUNTLEY REPORTING SERVICE
		419-626-4039			419-626-4039
		800-247-8360			800-247-8360
20.0			1		
19-		150			152
	Q	150 On this incident in which you had the janitor	1	Q	152 Can you tell me of those seven incidents how many
2	Q A		1 2	Q	
2 3	_	On this incident in which you had the janitor	1 .	Q	Can you tell me of those seven incidents how many
	Α	On this incident in which you had the janitor Uh-huh.	2	Q	Can you tell me of those seven incidents how many times you reported to Mr. Finn or Dr. Gunner, or
3	Α	On this incident in which you had the janitor Uh-huh. monitor for a period, did you make Mr. Finn or	2 3	Q	Can you tell me of those seven incidents how many times you reported to Mr. Finn or Dr. Gunner, or anybody else at the administration, that you had
3 4	A Q	On this incident in which you had the janitor Uh-huh monitor for a period, did you make Mr. Finn or Dr. Gunner aware of that incident?	2 3 4	Q A	Can you tell me of those seven incidents how many times you reported to Mr. Finn or Dr. Gunner, or anybody else at the administration, that you had summoned for assistance or coverage and it had
3 4 5	A Q A	On this incident in which you had the janitor Uh-huh monitor for a period, did you make Mr. Finn or Dr. Gunner aware of that incident? No.	2 3 4 5		Can you tell me of those seven incidents how many times you reported to Mr. Finn or Dr. Gunner, or anybody else at the administration, that you had summoned for assistance or coverage and it had not come?
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		153	١.		155
1		you might	1		main office
2	A	Uh-huh.	2	Q	Okay.
3	Q	inject yourself with insulin. In your	3	Α	and it's kind of planted.
4		Interrogatory responses you indicated that there	4	Q	Okay. Are there any dividers in there that you
5	¹ N	were three times that you went to the nurse's	5		can separate it into segments?
	<u>)</u>)	office and she was there with students?	6	Α	I saw the kids I didn't you could see into
1	Α	Uh-huh.	7		that room there.
8	Q	Now, on those occasions, did you nevertheless ask	8	Q	Okay. After you were unable to use the nurse's
9		to use the office, the nurse's office to	9		station on these three occasions, did you tell
10	Α	Yes.	10		Mr. Finn or Dr. Gunner, you know, that the
11	Q	inject yourself?	11		station was unavailable despite your need for it?
12	Α	You mean when the kids were in there?	12	Α	Would you
13	Q	Yes.	13	Q	Sure. After you were unable to use it, because
14	Α	No, I didn't do that then.	14		there were students in there with the nurse, did
15	Q	Okay. So you saw the kids were in with the	15		you bring that to the attention of Mr. Finn or
16		nurse	16		Dr. Gunner?
17	Α	Yes.	17	Α	Yes, and yes.
18	Q	and you decided not to utilize that facility?	18	Q	And what was their response?
19	Α	Yes.	19	Α	He'll give me a key.
20	Q	Because you didn't want to take her away from the	20	Q	Okay. And was that satisfactory to you?
21		students?	21	Α	I never got the key.
22	Α	I didn't want to take the students away from her.	22	Q	Did you follow-up and asked for it again?
23	Q	Okay. Okay. And did you have any conversation	23	Α	I asked Tammy Dideon one time and she was going
24		with her to the effect by the way, who is the	24		to give me the key to use it and then she got
25		nurse?	25		busy. And I needed to get to the ISI room so I
		HUNTLEY REPORTING SERVICE			HUNTLEY REPORTING SERVICE
		419-626-4039			419-626-4039
		800-247-8360			800-247-8360
	\ _	154	İ		156
1	Α	I don't know.	1		wouldn't be accused of being late, and so I said,
2	Q	You don't remember?	2		"Tammy, I'll take care of it later."
3	Α	Huh-uh.	3	Q	Okay. And did you do so?
4	Q	Okay. Did you have any conversation with the	4	Α	Yes, that was one of the times that somebody came
5		nurse indicating, "You know, it's imperative that	5		down.
6	_	I use this office to inject myself?	6	Q	I'm sorry, what do you mean by that, "That was
7	Α	I never talked with the nurse, Mr. Finn told me	7		one of the times that somebody came down?"
8	_	that I would be using the nurse's office.	8	Α	Came down, I called later, after I got to the ISI
9	Q	Okay. And on these three occasions, when you	9		room, and Dawn sent somebody down.
10	_	went there, she was	10	Q	Okay.
11	A	She was in there with kids.	11	Α	Uh-huh.
12	Q	with kids? Okay. And what did you do then	12	Q	You mean to provide you coverage?
13		when she was in there with the kids?	13	Α	Yes.
14	Α	Well, luckily it was right after lunch and I had	14	Q	So that you could then go
15		a few minutes to get to the music room, so I went	15	Α	Yes.
16		to the facility lounge and I mean, to the	16	Q	to inject yourself?
17	_	facility restroom, and I used that.	17	Α	Yes.
18	Q	Okay.	18	Q	And where did you go?
19	Α	Which was just next to the, almost to the nurse's	19	Α	To the 8th grade restroom.
20	_	station.	20	Q	Okay. That was because you had not yet received
21	Q	Okay. In the nurse's station, can you describe	21		the key?
22		that, is that a classroom size?	22	Α	Right.
	Α	No.	23	Q	Did you ultimately receive the key?
23	_		24	Α	No.
l	Q	Okay.			
23	Q A	It's just a little room across the hall from the	25	Q	And why is that?
23		It's just a little room across the hall from the HUNTLEY REPORTING SERVICE	25	Q	
23		It's just a little room across the hall from the	25	Q	And why is that?

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1	Α	I don't know.	1	Q	
2	Q	Did you make an additional request for the key?	2	Q	Okay. And you don't believe that you were denied
3	A	I can't remember that.			the opportunity to have input into that
Ι.			3		discussion, do you?
4	Q ^	Okay. You don't remember one way or the other?	4		MR. BELAZIS: Objection. Do you mean
5	Α	I don't remember. Uh-huh.	5	_	did her lawyer keep her from having input?
1.24) Q	Did you ever ask to be given other private space	6	Q	Or did anybody prevent you from expressing what
7		after you had these three incidents in which	7		you'd like to say and what you'd like to see
8		students were in the nurse's office? Did you	8		happen?
9		ever asked to be given other private space where	9	Α	No, I think I answered questions when he asked
10		you might inject yourself?	10		me.
11	Α	Did I ask for it? No.	11	Q	And so there was an interactive exchange going on
12	Q	And you indicate in your discovery responses	12		between the three of you?
13		there were three times the nurse's office was	13		MR. BELAZIS: Objection. What do you
14		locked?	14		mean by that?
15	Α	Uh-huh.	15		MS. GRIGSBY: Well, I'm using it in the
16	Q	Is that what prompted you to request a key?	16		common layperson's understanding of interactive.
17	Α	Yes.	17		BY MS. GRIGSBY:
18	Q	Or to be told that you would be provided the key?	18	Q	Your complaint makes allegations concerning the
19	Α	Uh-huh. Well, Mr. Finn told me that he would	19		interactive process and I just want to make sure
20		give me a key and that prompted me to remind him.	20		that this meeting that they had
21	Q	Okay. And although you were not given the key,	21		MR. BELAZIS: Uh-huh.
22		you don't recall whether or not you made a	22	Q	between Mr. Zraik and yourself and Dr. Gunner,
23		subsequent request for it?	23		everybody participated and everybody had input?
24	Α	I can't remember.	24	Α	I think so.
25	Q	Okay.	25	Q	Okay.
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		419-626-4039			419-626-4039
		800-247-8360			800-247-8360
-					
		158			160
	Α	158 I don't honestly remember.	1		160 THEREUPON, Defendants' Exhibit 12 was marked
2	A Q	I don't honestly remember.			THEREUPON, Defendants' Exhibit 12 was marked
2 3		I don't honestly remember. Now, we discussed this briefly, I want to just	2	Q	THEREUPON, Defendants' Exhibit 12 was marked for identification.
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3		I don't honestly remember. Now, we discussed this briefly, I want to just follow up on one respect, the meeting that you had with Mr. Zraik and Dr. Gunner which you ask for accommodation. During the course of that	2 3 4 5	Q	THEREUPON, Defendants' Exhibit 12 was marked for identification. Carol, my question to you about Exhibit 12 is, whether or not you can recognize this as the Collective Bargaining Agreement in place between
3 4 5		I don't honestly remember. Now, we discussed this briefly, I want to just follow up on one respect, the meeting that you had with Mr. Zraik and Dr. Gunner which you ask for accommodation. During the course of that meeting was there dialog, give and take, back and	2 3 4 5 6	Q	THEREUPON, Defendants' Exhibit 12 was marked for identification. Carol, my question to you about Exhibit 12 is, whether or not you can recognize this as the Collective Bargaining Agreement in place between the Perkins Education Association and the Perkins
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3 4 5 6 7	Q	I don't honestly remember. Now, we discussed this briefly, I want to just follow up on one respect, the meeting that you had with Mr. Zraik and Dr. Gunner which you ask for accommodation. During the course of that meeting was there dialog, give and take, back and forth between yourself and Mr. Zraik on the one hand and Dr. Gunner on the other?	2 3 4 5 6 7 8		THEREUPON, Defendants' Exhibit 12 was marked for identification. Carol, my question to you about Exhibit 12 is, whether or not you can recognize this as the Collective Bargaining Agreement in place between the Perkins Education Association and the Perkins Board of Education from July 2008 to June 30, 2011?
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1		161	١,		163
1		each year, excluding the observation year,"	1	A	No.
2		correct?	2	Q	I don't want to cut you off.
3	A	Uh-huh.	3	Α	No, you didn't.
4	Q	You need to say yes or no.	4	Q	Okay. The 2008-2009 time frame, when you say you
5	Α	Yes.	5		had two formal evaluations and one that was
) Q	Its difficult for her to take down huh-uhs and	6		noticed, who did those evaluations?
1		uh-huhs.	7	Α	Mr. Finn.
8	Α	Okay. Yes.	8	Q	Both times?
9	Q	Okay.	9	Α	Uh-huh.
10	Α	Yes.	10	Q	And when did they occur in the school year,
11	Q	Can you point to me in any language in this	11		roughly?
12		entire section, 13.03, which continues to the	12	Α	One, I got one let's see, I have to think,
13		next page, which imposes a maximum number of	13		2008-2009. One was before 2009 and one was after
14		evaluations that may be conducted on teachers	14		2009.
15		holding a continuing contract?	15	Q	Okay. So one in the first part of the school
16	Α	What was your question?	16		year and one in the second part of the school
17	Q	My question was, can you point to me to any	17		year?
18		provision within Section 13.03, which imposes a	18	Α	(Nod indicating yes.)
19		maximum number of evaluations which maybe	19	Q	The latter part? And you said you received a
20		conducted on teachers holding a continuing	20	A	Not the latter part, because the latter part is
21		contract?	21		when I got notice that I was going to be observed
22	Α	Right here.	22		at the high school.
23		MR. BELAZIS: It speaks for itself.	23	Q	Okay. So sometime after the calendar turned
24		THE WITNESS: Yes.	24	A	Uh-huh.
25	Q	You're pointing to the language which says, "1	25	Q	you had the second one?
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1		800-247-8360			800-247-8360
1,		162			164
		formal observation (minimum) every three years?"	1	Α	Uh-huh.
2	Α	Yes.	2	Q	Now, the third one you received notice of, what
3	Q	Is it your belief that that language sets forth a	3		did that pertain to, an observation plan for your
4		maximum of one formal evaluation every three	4		day at the high school?
5		years?	5	Α	Yes.
6	Α	I don't know what it means since I didn't help	6	Q	So were you actually evaluated for your
7		write this.	7	-	performance in teaching at the high school
8	Q	How many times did a school administrator sit in	8	Α	No.
9		your classroom and evaluate your teaching	9	Q	during 2008-2009?
10		performance between the fall of 2008 and the date	10	Ā	No.
11		of your termination?	11	Q	Okay. And you did not receive an evaluation at
12	Α	In 2008 and 9 twice, and a notice for the third	12	_	the high school level in 2010, 2009-2010?
13		one.	13	Α	No.
14	Q	In 2008 and 9?	14	Q	When you were there full-time?
15	A	Uh-huh.	15	A	No.
16	Q	What about 2009-2010?	16	Q	Okay. I think we, for now were done with that.
17	Ā	2009-2010, I think I had a notice that I was	17	٠.	MS. GRIGSBY: Let's mark the next one
18	•	going to be observed once.	18		as 13.
19	Q	Did that actually happen?	19		
20	A	I can't remember. I remember the note, but I'm	20		THEREUPON, Defendants' Exhibit 13 was marked for identification.
21	- •	not sure.	21	Q	
22	Q	Okay. During the 2008-2009 I'm sorry, go	22	A	Mrs. Smith, take a look at Exhibit 13 Uh-huh.
23	٦.	ahead.	23	Q	
24	Α	No, you go ahead.	24	Q A	and refresh yourself with that document.
	Q	Did you recall something?		A	Yes.
	~	HUNTLEY REPORTING SERVICE	25		MR. BELAZIS: I'm sorry.
••		· · · · · · · · · · · · · · · · · · ·			HUNTLEY REPORTING SERVICE
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165 1 THE WITNESS: It's right here. 2 MR. BELAZIS: This one here? 3 THE WITNESS: Yep.	1 2	Q	167 No, what day? Because you he says, "I have
2 MR. BELAZIS: This one here? 3 THE WITNESS: Yep.		•	No, what day: because you he says, I have
THE WITNESS: Yep.			not yet received as of yet. I have not
·	١.,		not yet received as of yet, I have not
	3		received the written response I have requested."
4 BY MS. GRIGSBY:	4		I mean, can we assume that he wouldn't have
5 Q Mrs. Smith, do you recognize the document that's	5		written that had he actually received it?
been marked as Exhibit 13?	6	Α	I don't know.
7 A Yes, I do.	7	Q	Okay.
8 Q Okay. This is correspondence sent to you by	8	Α	Assume is not a good word.
9 Principal Stephen Finn from the middle school to	9	Q	He
	10	A	
		^	I'm not assuming anything here. What's the date
1 A Yes.	11	_	of my letter?
2 Q Correct?	12	Q	Well, I'm going to give that to you next.
3 A Yes.	13	Α	Okay.
4 Q And in this letter he makes reference to an	14	Q	And that's why I'm a bit confused
5 incident on February 25, 2009, correct?	15	Α	Uh-huh.
6 A Yes.	16	Q	and I want to see if we can clarify.
7 Q And this was a day he says, that he claims, that	17	-	THEREUPON, Defendants' Exhibit 14 was marked
			-
, ,	18	^	for identification.
9 8th and 9th period?	19	Q	Mrs. Smith, do you recognize Exhibit 14?
0 A Yes.	20	Α	Yes.
1 Q And it indicates in this letter that you and he	21	Q	And this is a letter dated March 8, 2008
2 had discussed the incident, because it refers to	22	Α	8th, right.
3 "At our last meeting I indicated to you that a	23	Q	addressed to Mr. Finn from you?
staff member observed you in the parking lot in	24	Α	Yes.
your car and another staff member saw you at	25	Q	Now, we also have looked at a letter that
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Wendy's restaurant." And did you indeed have an	1	Α	It says, "Received March 1, 2009."
oral conversation prior to this letter with him	2	Q	Well, I'm not so sure that's what it says, but
about those two incidents?	3		perhaps it does, it's not clear. I mean
4 A Yes.	4	Α	I know that I gave him the letter.
5 Q And he asked you to provide something in writing,	5	Q	Okay. You gave him the letter at some point?
6 correct?	6	Ā	Before March the 15th.
7 A Yes.	7	Q	
_			And you believe it was before March 15th?
8 Q And as of this date he had not yet received it,	8	A	Yes.
g correct?	9	Q	Okay. In any event, he requested a writing, you
0 A No, he received it.	10		provided him this writing?
1 Q He says in the first sentence, "As of yet, I have	11	Α	Yes.
not received a written response I have requested	12	Q	Which is Exhibit 14?
of you."	13	Α	Yes.
4 A Yes, I sent him a letter.	14	Q	And in this letter you talk about the fact that
5 Q Okay.	15		you were missing from periods 8 and 9 of
6 A He wanted it in writing.	16		
	!		in-school suspension on February 25th, and you
7 Q Okay. Do you know how you delivered the letter	17		acknowledged that that was an error and it's your
to him?	18		responsibility. There was some confusion about
9 A I think I put it on his desk, I took it to him	19		the schedule, correct?
0 personally.	20	Α	Yes. I was just back to school from stomach
1 Q When did you take it to him?	21		surgery.
2 A It was oh, I don't know. I think it was	22	Q	Okay. Now, you also discuss the allegation that
before I don't know.	23		you were at Wendy's?
Q Okay. Well	24	Α	Yes.
A You mean what time of the day?	25	Q	
	23	ų.	And you wanted to make it clear to him that you
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		169		A	171
1		were not there?	1	A	I don't agree with that at all.
2	A	I was not at Wendy's.	2	Q	Okay. You believe that that person just made up
3	Q	And at some point I believe that you indicated	3		the story about seeing you at Wendy's?
4		that perhaps someone may have confused you with	4	Α	No.
5		your sister?	5	Q	What do you
	Α	I have an identical twin sister.	6	Α	Maybe she saw Gracie, but I just want to know who
7	Q	I do too.	7		was watching me.
8	Α	Do you?	8	Q	Okay. Were you informed of who made that report?
9	Q	Yes, I do.	9	Α	No, never.
10	Α	Life cannot be easy.	10	Q	Okay. And then there's another concern about a
11	Q	But it's so much richer.	11		staff member seeing you, observing you in the
12	Α	Yes, it is.	12		parking lot in the car?
13	Q	You indicated to him that you were not at	13	Α	Yes.
14		Wendy's, him being Mr. Finn, and at some point	14	Q	Okay. And you also address that issue in your
15		you indicated to somebody, was it Mr. Finn or	15		letter of, which is Exhibit 14?
16		another member of the administration, that	16	Α	Uh-huh.
17		perhaps there was confusion with your sister?	17	Q	Okay. Now, after you sent the letter to
18	Α	I didn't admit I didn't say that at all.	18		Mr. Finn, was there a meeting at which you
19	Q	You don't, you never communicated that?	19		discussed these issues?
20	Α	I didn't know she went to Wendy's until after I	20	Α	Yes.
21		put it all together and got home and called her.	21	Q	And who all was present at that meeting?
22	Q	You later learned that she was there?	22	Α	Dr. Gunner, Steve Finn, myself.
23	Α	Yes.	23	Q	Okay.
24	Q	Okay. And in retrospect	24		///
25	Α	It was Ash Wednesday, she went and got a fish	25		///
		HUNTLEY REPORTING SERVICE			HUNTLEY REPORTING SERVICE
		419-626-4039			419-626-4039
		800-247-8360			800-247-8360
J. Com.		170			170
		170			172
		sandwich.	1		1/2 THEREUPON, Defendants' Exhibit 15 was marked
2	Q		1 2		
2 3	Q	sandwich.		Q	THEREUPON, Defendants' Exhibit 15 was marked
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		173			175
1	Q	Okay. What do you remember about the meeting	1	Q	What did
2		which occurred on March 31, 2009?	2	Α	You mean people watching me?
3	Α	That Dr. Gunner did not believe I had a twin	3	Q	Yes.
4		sister.	4	Α	No, I did not.
5	Q	Okay. And what else do you remember?	5	Q	Okay.
	Α	That I tried to tell him it was all my fault and	6	A	I have asked several times who is talking about
		my responsibility that I screwed up the	7		me, but I got no answers.
8		schedule	8	Q	During the course of that meeting did you ask who
9	Q	Uh-huh.	9	_	made this report about Wendy's?
10	Ā	and that I tried to explain why I put the seat	10	Α	Yes.
11	,,	back, in the car, to inject myself, when somebody	11	Q	And what were you told?
12		said I was sleeping in the car.	12	A	
13	Q		13	Q	Nothing.
	Q	Do you think it was wrong or improper for			They declined to tell you who?
14		Mr. Finn and Dr. Gunner to follow-up on these	14	A	Yes.
15		reports that you had been in the car and you had	15	Q	And did you make a request to know who had made
16	_	been at Wendy's?	16		the report about the car incident or you being in
17	Α	Well, the 30 minutes that I was in the car	17		the car?
18		injecting myself was my time. They knew that I	18	Α	Yes, they said a janitor.
19		had just come back from bariatric surgery and	19	Q	Okay.
20		there was no way I could even eat the Wendy's	20		THEREUPON, Defendants' Exhibit 16 was marked
21		food yet, I was still on protein drinks and soft	21		for identification.
22		food.	22	Q	During the course of this meeting on March 31st,
23	Q	So if they received reports from two staff	23		with Mr. Finn and Dr. Gunner, did you ask for any
24		members that you, one, that you were at Wendy's	24		particular accommodations to deal with your
25		and, one, that you were in the car in the parking	25		diabetes or any other physical condition?
		HUNTLEY REPORTING SERVICE			HUNTLEY REPORTING SERVICE
		419-626-4039			419-626-4039
		800-247-8360			800-247-8360
		4	+		
		174	1		176
	i		1	Α	176 At this meeting?
2		lot during a school day, should they have in	1		At this meeting?
2 3		lot during a school day, should they have in your opinion, was it wrong for them to ask you to	2	Q	At this meeting? Yes, ma'am.
I -		lot during a school day, should they have in your opinion, was it wrong for them to ask you to come to a meeting to discuss these issues?	2 3		At this meeting? Yes, ma'am. I have to read this.
3 4		lot during a school day, should they have in your opinion, was it wrong for them to ask you to come to a meeting to discuss these issues? MR. BELAZIS: I think she answered	2 3 4	Q	At this meeting? Yes, ma'am. I have to read this. MR. BELAZIS: I'm sorry, could you read
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		Case: 3:11-cv-00560-JRK Doc #: 103	Flie	J	/12/13 43 U /U. FayeII # 043
١.		177			179
1		diabetes or physical problem?	1		her what time my typing class was and she gave me
2	Α	I guess I assumed that I was still going to get	2		the correct information, but I just didn't
3	_	them, that we had already discussed previously.	3		realize that the other two classes, that the
4	Q	The previous accommodations were still in effect?	4		periods were short and I just assumed that they
5	A	Yes.	5	_	were on the same schedule.
l	Q	Okay. So you didn't ask for anything new or	6	Q	Okay.
/		additional?	7	Α	And when I asked Mr. Finn who took those two
8	Α	No.	8	_	classes and he said, "I did."
9	Q	Now, as you look at paragraph 1 of the letter,	9	Q	Okay. So you're not telling me today anything
10	A	Exhibit 16	10		different than you told them then?
11	A	Uh-huh.	11	A	No.
12	Q	it says that, "I have reviewed and considered	12	Q	Which was, "It was my mistake and I failed to
13		the information shared at your disciplinary	13		cover the classes?"
14		conference held on Tuesday, March 31, 2009. This	14	A	Yes.
15 16		information included your written and verbal	15	Q	Okay. Now, that's what you were disciplined for,
17		admittance that the failure to be present at	16		correct?
18		Briar Middle School for your assigned duties on	17		MR. BELAZIS: Objection. She
		Wednesday, February 25, 2009 was entirely your	18		doesn't you're asking her to what was in
19 20	٨	fault." And, in fact, that's true	19	_	the mind of this man right here.
	Α	Yes.	20	Q	Well, what was your understanding of why you were
21	Q ^	you made that admission at the meeting?	21		disciplined?
22	Α	I admitted that. It was my, what, second or	22		MR. BELAZIS: What was in the letter?
23	Q	third day back from the surgery	23	A	That's right, right here.
25	Q	And	24	Q	Okay. You're understanding, the reason why you
25		MR. BELAZIS: Let her finish.	25		were disciplined is
		HUNTLEY REPORTING SERVICE			HUNTLEY REPORTING SERVICE
		419-626-4039 800-247-8360			419-626-4039
		000-247-0000			800-247-8360
1		178			190
	į	178 BY MS. GRIGSBY:	1	Α	180 Uh-huh
2	Q	BY MS. GRIGSBY:	1 2	A Q	Uh-huh.
2 3	Q A	BY MS. GRIGSBY: I'm sorry.	2	Q	Uh-huh is for the reason set forth in this letter?
	_	BY MS. GRIGSBY: I'm sorry and I called, I called over to Dawn. I knew		Q A	Uh-huh. is for the reason set forth in this letter?That's right.
3	_	BY MS. GRIGSBY: I'm sorry and I called, I called over to Dawn. I knew that we were on a schedule at the high school, a	2 3 4	Q	Uh-huh is for the reason set forth in this letter? That's right. Did you fail to attend a Firelands Challenge
3 4	_	BY MS. GRIGSBY: I'm sorry and I called, I called over to Dawn. I knew	2 3	Q A Q	Uh-huh is for the reason set forth in this letter? That's right. Did you fail to attend a Firelands Challenge Spring Advisor's meeting on May 4, 2009?
3 4 5	_	BY MS. GRIGSBY: I'm sorry and I called, I called over to Dawn. I knew that we were on a schedule at the high school, a different schedule, and I called Dawn and I says,	2 3 4 5	Q A	Uh-huh is for the reason set forth in this letter? That's right. Did you fail to attend a Firelands Challenge Spring Advisor's meeting on May 4, 2009? May 4, 2009?
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		Case: 3:11-cv-00560-JRK Doc #: 103	Flie	1	1/12/15 40 01 /0. PayeID # 040
١,	^	181	١,		183
1	Q	What is your understanding of what a grievance	1		of the question.
2		is?	2		MS. GRIBSBY: That's fine.
3	Α	It's to inform my union representative that I'm	3	_	BY MS. GRIGSBY:
4		being treated unfairly, that I think I'm being	4	Q	A moment ago you told me you thought a grievance
5		treated unfairly.	5		was any time that you had been treated improperly
	Q	Okay. Give me just one moment, I'm looking for a	6	_	or unfairly?
7		particular document. Here it is. Would you,	7	Α	Yes.
8		again, direct your attention, Mrs. Smith, to	8	Q	Under the Collective Bargaining Agreement it uses
9		Exhibit 12, and I'm referring now to page 2 of	9		a different definition, okay?
10		that document.	10	Α	Yes.
11	Α	12, this is	11	Q	It uses a definition that says, "A grievance is a
12	Q	Is the Collective Bargaining Agreement and I'm	12		violation, a misapplication, or misinterpretation
13		referring to page 2 of that document.	13		of one of the provisions of the Collective
14	Α	Page 2. Okay.	14		Bargaining Agreement, correct?
15	Q	Okay. And if you'll take a look at Section 4.2A,	15	Α	Yes.
16		under the title "Definitions," do you see that?	16	Q	Now, I'm talking about that kind of grievance,
17	Α	Yes.	17		okay?
18	Q	It says there, "A," quote, "grievance," end	18	Α	Okay.
19		quote, is a claim by a member of the bargaining	19		MR. BELAZIS: Again, I'm making the
20		unit, that there has been a violation,	20		same objection as before. You're asking her to
21		misapplication, or misinterpretation of one or	21		draw a legal conclusion about a contractual
22		more of the provisions of this agreement." Do	22		provision and interpret what it means and it's
23		you agree that's how the term grievance is	23		not an appropriate question for this witness to
24		defined there?	24		answer.
25	Α	Okay.	25		MS. GRIGSBY: I'm not asking her to
		HUNTLEY REPORTING SERVICE			HUNTLEY REPORTING SERVICE
		419-626-4039			419-626-4039
		800-247-8360			800-247-8360
71 N	1	182			184
	Q	182 You'll agree with that?	1		
2	Q A	You'll agree with that? Yes.	1 2	Q	184
2 3	_	You'll agree with that?	1	Q	184 interpret that provision.
-	Α	You'll agree with that? Yes.	2	Q	184 interpret that provision. I'm simply asking, did you file a grievance in
3	Α	You'll agree with that? Yes. Okay. Now using that definition as a grievance,	2 3	Q	184 interpret that provision. I'm simply asking, did you file a grievance in which you claimed that the Collective Bargaining
3 4	Α	You'll agree with that? Yes. Okay. Now using that definition as a grievance, okay, can you tell me prior to April 7, 2009, had	2 3 4	Q	184 interpret that provision. I'm simply asking, did you file a grievance in which you claimed that the Collective Bargaining Agreement had been violated, misapplied, or
3 4 5	Α	You'll agree with that? Yes. Okay. Now using that definition as a grievance, okay, can you tell me prior to April 7, 2009, had you or your union representatives filed any	2 3 4 5	Q	184 interpret that provision. I'm simply asking, did you file a grievance in which you claimed that the Collective Bargaining Agreement had been violated, misapplied, or misinterpreted
3 4 5 6	Α	You'll agree with that? Yes. Okay. Now using that definition as a grievance, okay, can you tell me prior to April 7, 2009, had you or your union representatives filed any formal grievances concerning your claim that a	2 3 4 5 6		184 interpret that provision. I'm simply asking, did you file a grievance in which you claimed that the Collective Bargaining Agreement had been violated, misapplied, or misinterpreted MR. BELAZIS: The same objection.
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		Case: 3:11-cv-00560-JRK Doc #: 103	-mer	1	
		185	_	_	187
1	A	15 or 16.	1	Q	And it says there, "I" John Gerber is
2	Q	Okay. And how many since the 2008-2009 school	2	_	speaking.
3		year?	3	Α	Uh-huh.
4	Α	Probably two-thirds or most of them.	4	Q	"I had asked Carol to be sure she viewed her
5	Q	Okay. Now, I'm going to focus in on the date of	5		personnel file at ASC," the Administrative
\$200 m	Ì	April 7, 2009 and I'll tell you why.	6		Service Center, "so I could better represent her
7	Α	Ckay.	7		in the grievance process. She indicated that she
8	Q	My understanding is that that is the date on	8		viewed her personnel file at ASC in the presence
9		which you reviewed your personnel file.	9		of Lisa." Do you know the Lisa he's referring
10	Α	I at where, the Board office or in school or?	10		to?
11	Q	Well, let me ask you. Did you, in the spring of	11	Α	Yes.
12		2009, review your personnel file?	12	Q	Who is that?
13	Α	Boy, I honestly don't remember on that date.	13	Α	Lisa Crescimano.
14	Q	I'm talking just in general time frame of the	14	Q	Right. "She also indicated that there were no
15		spring 2009, did you have occasion to go to the	15		disciplinary items in it from the previous few
16		administration office and review your personnel	16		years."
17		file?	17	Α	Okay.
18		MR. BELAZIS: Do you remember if it was	18	Q	Okay. Now, do you have reason to think that John
19		in the spring? Do you remember?	19	•	Gerber's e-mail to Dr. Gunner, on May 2, 2009,
20		THE WITNESS: I don't remember even	20		that we're looking at, is inaccurate or false on
21		seeing it until later.	21		this point?
22		MR. BELAZIS: Until later?	22		MR. BELAZIS: On which point?
23		BY MS. GRIGSBY:	23		MS. GRIGSBY: On the point we just
24	Q	Well, at some point you reviewed your personnel	24		read.
25	_	file?	25	Α	No, he's not inaccurate. He was not with me.
		HUNTLEY REPORTING SERVICE	23	^	HUNTLEY REPORTING SERVICE
		419-626-4039			419-626-4039
		800-247-8360			800-247-8360
		186			188
7.34	Δ		1	O	
2	A Q	Okay.	1	Q	Okay. So do you now remember having looked at
2	Q	Okay. Well, did you?	2		Okay. So do you now remember having looked at your personnel file?
3	Q A	Okay. Well, did you? I must have.	2 3	Q A	Okay. So do you now remember having looked at your personnel file? I did not look at it, Lisa had it in front of her
3 4	Q A Q	Okay. Well, did you? I must have. Well, you just said, "Until later?"	2 3 4	A	Okay. So do you now remember having looked at your personnel file? I did not look at it, Lisa had it in front of her and was going through it with me.
3 4 5	Q A Q A	Okay. Well, did you? I must have. Well, you just said, "Until later?" Well, later, after everything was said and done.	2 3 4 5		Okay. So do you now remember having looked at your personnel file? I did not look at it, Lisa had it in front of her and was going through it with me. Okay. And did Lisa indicate to you there were no
3 4 5 6	Q A Q A Q	Okay. Well, did you? I must have. Well, you just said, "Until later?" Well, later, after everything was said and done. You mean after your termination?	2 3 4 5 6	A	Okay. So do you now remember having looked at your personnel file? I did not look at it, Lisa had it in front of her and was going through it with me. Okay. And did Lisa indicate to you there were no disciplinary items in it from the previous few
3 4 5 6 7	Q A Q A Q A	Okay. Well, did you? I must have. Well, you just said, "Until later?" Well, later, after everything was said and done. You mean after your termination? Uh-huh.	2 3 4 5 6 7	A Q	Okay. So do you now remember having looked at your personnel file? I did not look at it, Lisa had it in front of her and was going through it with me. Okay. And did Lisa indicate to you there were no disciplinary items in it from the previous few years?
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4		189	١,	_	191
1		asking what documents were placed in your file	1	Q	Now, we talked earlier about a meeting in which
2		inappropriately?	2		you discussed with Dr. Gunner your assignments
3	Α	Placed in my personnel file at the ASC? I think	3		for the 2009-10 coming school year?
4		the things that Mr. Gasteier, he was keeping a	4	A	Yes.
5		file at the high school and I felt that, that	5	Q	Correct?
١ .)	maybe those were what I was referring to, that	6	A	Yes.
1		maybe if they were in my personnel file they	7	Q	Did he make you aware that the keyboarding class
8	_	shouldn't have been in there.	8	_	was being eliminated in the middle school?
9	Q	Well, do you have any evidence or proof that	9	Α	He made me aware of that before that day.
10		indeed the documents that you're referring to,	10	Q	So you were aware of that?
11		that Mr. Gasteier was keeping, were placed in	11	Α	Uh-huh.
12	_	your personnel file?	12	Q	Did you understand the reason for that to be that
13	A	You mean when Lisa was going through it with me?	13		the middle school was transitioning to a
14	Q	At any time.	14		One-to-One Laptop Program?
15	A	Ch. I can't remember that.	15	Α	Yes.
16	Q	Okay.	16	Q	Okay.
17	Α	I can't remember. I need to know what documents	17	Α	The middle school or the high school.
18		you're referring to.	18	Q	Okay.
19	Q	Well, I'm inquiring about the allegation in your	19	Α	That's all right.
20		complaint	20	Q	And did you understand that it was because of
21	Α	Uh-huh.	21		those, that change that there would no longer be
22	Q	that some documents were inappropriately put	22		a need for you to teach Keyboarding?
23		in your personnel file.	23	Α	Uh-huh.
24	Α	Right.	24		MR. BELAZIS: You mean as far as what
25	Q	And I guess I'm asking you, have you personally	25		was expressed to her?
		HUNTLEY REPORTING SERVICE			HUNTLEY REPORTING SERVICE
İ		419-626-4039			419-626-4039
		800-247-8360			800-247-8360
!		190			192
		ever seen documents in your personnel file that	1		MS. GRIGSBY: Yes.
2		should not have been there?	2	Α	No, I always felt there was a need to teach
3		MR. BELAZIS: She's asking what you	3		keyboarding.
4		remember, as you're sitting here today. If you	4	Q	Were you ever advised that because of changes in
5	_	don't remember then tell her.	5		the curriculum that that class was not going to
6	Α	I don't remember. I just don't remember.	6		be held?
7	_	BY MS. GRIGSBY:	7	Α	Yes.
8	Q	Did anybody tell you that, "Hey, I've looked at	8	Q	And did you understand that those changes to
9		your personnel file and there's some documents	9		curriculum had to do with different computerized
10	_	that shouldn't be in there?"	10		technology and so forth?
11	A	Nobody ever told me that.	11	Α	Yes.
12	Q	Okay. Now, I understand, and I think we talked	12	Q	Okay. So the fact that you were not going to be
13		about this briefly earlier, that both 2007-08 and	13		teaching Keyboard in the coming year had nothing
14		2008-09 you were a split schedule with half your	14		to do with your disability, did it?
15		time at the high school and half of your time in	15		MR. BELAZIS: Objection. You're asking
16		the middle school?	16		her to speculate about what was in the mind of
17	Α	Yes.	17		the people who made the decision.
18	Q	And in the morning you were at the high school	18	Q	Well, in your view, did the fact that you were
19		where you taught Accounting and Introduction to	19		not going to be teaching Keyboard have anything
20		Business, and then you had lunch, and after lunch	20		to do with your disability, your diabetes?
21		you went to the middle school and you taught	21	Α	Well, no.
22		Keyboarding, you had three periods of supervision	22	Q	Okay. And did you understand that non-teaching
23		of suspended students, and that's correct,	23		personnel were going to be doing the supervision
21		correct?	24		of ISI? Were you told that that was what was
	Α	Uh-huh.	25		going to happen?
		LUNTERV DEDODTING OFFICE	I		LUBITLEY DEDODTING CED 405
		HUNTLEY REPORTING SERVICE			HUNTLEY REPORTING SERVICE
		419-626-4039 800-247-8360			419-626-4039

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		193			195
1	Α	Yes.	1	Q	Okay.
2	Q	And were you told why that was going to happen?	2		THEREUPON, Defendants' Exhibit 20 was marked
3	Α	I think Dr. Gunner told everybody in a teacher's	3		for identification.
4		meeting.	4		MR. BELAZIS: Before you get to the
5	Q	And what did he say?	5		next sequence can we just take a short break?
) A	He said they'll utilize, better utilize us	6		MS. GRIGSBY: Sure.
1		teachers.	7		THEREUPON, there was a brief recess.
8	Q	That he didn't want teachers doing supervision?	8	Q	We may come back to that one. But right now,
9	Α	Right.	9		Carol, can I direct your attention to Exhibit 20?
10	Q	And that people who were, had lesser	10	Α	Yes.
11		qualifications than teachers were going to be	11	Q	Do you recognize that letter as one that you
12		doing that, correct?	12		received from Principal Gasteier on or around
13	Α	Yes.	13		June 15, 2009?
14	Q	Okay.	14	Α	Yes.
15	~	THEREUPON, Defendants' Exhibit 18 was marked	15	Q	Okay. And directing your attention to the second
16		for identification.	16	Q	
17	Q		1		paragraph of that letter. Mr. Gasteier states in
		Carol, do you recognize Exhibit 18?	17		the second sentence, "I understand that you were
18	A	Yes.	18		late to class because you met with a student. I
19	Q	And can you confirm that to be a letter that the	19		spoke with the student who confirmed your
20		high school principal, Chris Gasteier, sent to	20		conversation. I want to emphasize that being on
21		you on June 1, 2009, concerning your schedule for	21		time and in attendance at the beginning of a
22	_	the upcoming year?	22		class a good professional conduct and that
23	A	Yes.	23		student meetings must be scheduled accordingly."
24	Q	Do you have any reason to believe anything in	24	Α	Uh-huh.
25		this letter is false?	25	Q	And is that the essence of the conversation that
		HUNTLEY REPORTING SERVICE			HUNTLEY REPORTING SERVICE
		419-626-4039			419-626-4039
		800-247-8360			800-247-8360
		194			196
	Α	No.	1		you had with him?
2	Q	Okay.	2	Α	With Mr. Gasteier?
-3		THEREUPON, Defendants' Exhibit 19 was marked	3	Q	Yes.
4		for identification.	4	Α	No, he stopped me to ask me why I was late and I
5	Q	Carol, do you recognize the document that's been	5		told him I wouldn't have been late if one of the
6		marked as Exhibit 19?	6		students hadn't stopped me to discuss something,
7	Α	Yes.	7		and I always put the students first, and then
8	Q	Did you receive this letter on or about the date	8		Mr. Gasteier asked me why I was late.
9		of June 5, 2009?	9	Q	Okay. And was that a separate conversation you
10	Α	Yes.	10		had? You said he stopped you, but this letter
11	Q	And this letter references a series of three	11		refers to a meeting held in his office.
12		incidents in early June 2009, correct?	12	Α	No, the student stopped me in the hallway.
13	Α	Yes.	13	Q	Oh, okay. I apologize.
14	Q	Now, one involved you being late to a class,	14	Ā	Yeah.
15	•	period three class, and you indicated that you	15	Q	Okay. So you did have a meeting in his office,
16		were delayed because of a meeting with a student,	16	~	and with you and Mr. Gerber and Mr. Gasteier, in
17		correct?	17		which he confirmed that he had talked to the
18	Α	Yes.	18		student who said, "Yes, indeed there was a
19	Q	Isn't it true that Mr. Gasteier later informed	19		
20	~	you that he spoke to the student involved and		۸	discussion?"
21		learned indeed there had been a conversation?	20	A	Yes.
22	Α	Yes.	21	Q	Okay. And he did though want to emphasize with
			22		you the importance of being in class and to
23	Q	And you were not disciplined as a result of that	23		schedule student meetings accordingly, correct?
24		incident, were you?	24	A	Uh-huh.
21	۸	T design for the same			
21	Α.	I don't know.	25	Q	Yes?
21	Α.	HUNTLEY REPORTING SERVICE	25	Q	Yes? HUNTLEY REPORTING SERVICE
21	. A		25	Q	

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		197	١.		199
1	A	Yes. I'm sorry.	1		teaching
2	Q	Now, turning back to Exhibit 19, another issue of	2	Α	Yes.
3		concern raised there had to do with whether you	3	Q	social studies? And do you deny that fellow
4		attended a discussion that was to be held in	4		teachers made a report that you were sleeping in
5		Mr. McVeigh's fifth period study hall to discuss	5		that class?
)	curriculum, correct?	6		MR. BELAZIS: Objection.
7	Α	On the second one?	7		THE WITNESS: Fellow teachers.
8	Q	I'm going back to 19.	8		MR. BELAZIS: If you want to ask her if
9	Α	Right. And you are referring to the second	9		she has some personal knowledge of what the
10		bullet?	10		teachers reported, that's fine, but you haven't
11	Q	No, I'm not, I'm referring to the third bullet.	11		established that.
12	A	"Wednesday and Thursday, leaving class during	12	Q	Is it your understanding, based upon
13		discovery of pertinent." (Reading document to	13	_	communications you've had with others?
14		herself.) Leaving class during the study hall	14	Α	The only teacher in there was Mr. McVeigh.
15		portion, no, that's absolutely untrue, because	15	Q	Have you been informed that Mr. McVeigh made a
16		Mr. McVeigh told me to leave. He told me after	16	CX.	_
17		_	17	۸	report that you were sleeping in that class?
		the class that there was no reason for me to stay		A	Yes.
18	_	there.	18	Q	And do you agree that do you have any problem
19	Q	Okay. Now, if you refer back to Exhibit 20.	19		with the administration, the principal or the
20	A	Okay.	20		superintendent, following up Mr. McVeigh's report
21	Q	And refer to the third paragraph of that	21		and investigating Mr. McVeigh's report that you
22	_	letter the fourth paragraph.	22	_	were sleeping in the classroom?
23	A	Uh-huh.	23	Α	That's his job.
24	Q	Could you read that out loud?	24	Q	Okay.
25	Α	"With regard to the second area of concern I	25	Α	But unfortunately
		HUNTLEY REPORTING SERVICE			HUNTLEY REPORTING SERVICE
		419-626-4039			419-626-4039
		800-247-8360			800-247-8360
		332.1. 3333			000-247-0000
		198			200
			1		
2	Q	198	1 2		200
2 3	Q A	198 have"			200 MR. BELAZIS: Just you answered the
		198 have" No. No. The next one, the fourth paragraph.	2		200 MR. BELAZIS: Just you answered the question.
3		have" No. No. The next one, the fourth paragraph. "With regard to the final area of concern, I	2 3	Q	200 MR. BELAZIS: Just you answered the question. THE WITNESS: Yes.
3 4		have" No. No. The next one, the fourth paragraph. "With regard to the final area of concern, I acknowledge that you were not specifically	2 3 4	Q	200 MR. BELAZIS; Just you answered the question. THE WITNESS: Yes. BY MS. GRIGSBY:
3 4 5		198 have" No. No. The next one, the fourth paragraph. "With regard to the final area of concern, I acknowledge that you were not specifically instructed to remain in Mr. McVeigh's fifth	2 3 4 5	Q A	200 MR. BELAZIS: Just you answered the question. THE WITNESS: Yes. BY MS. GRIGSBY: Now, Exhibit 19 references a request that you
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Γ		Case: 3:11-cv-00560-JRK_Doc #: 103	File	<u>uU_</u>	
		201	١.		203
1	_	movie clip, and he said I was sleeping.	1		THEREUPON, Defendants' Exhibit 21 was marked
2	Q	And you provided that explanation of your conduct	2		for identification.
3		in the meeting on June 9, 2009 to Mr. Gasteier	3	Q	Mrs. Smith, do you recognize the letter that's
4		and Dr. Gunner? Mr. Gasteier was there?	4		been marked as Exhibit 21?
5	Α	Mr. Gasteier wrote this letter, it looks like,	5	Α	Yes.
)	signed by Mr. Gunner.	6	Q	Okay. Is this a letter that you received from
7	Q	Just so the record is clear, at the June 9, 2009	7		Superintendent Gunner on or around June 19, 2009?
8		meeting, you were there?	8	Α	Yes.
9	Α	That's this one.	9	Q	Or shortly thereafter June 19th? Okay. Among
10	Q	And Dr. Gunner was there?	10		other things, this letter refers, on page 2, the
11	Α	Dr. Gunner was there	11		last paragraph, to a requirement that you undergo
12	Q	And do you recall	12		a complete physical and psychological
13	Α	and Mr. Gerber was there.	13		examination
14	Q	Mr. Gerber? Do you recall Mr. Gasteier being	14	Α	Yes.
15		there?	15	Q	at the Board of Education's expense to
16	Α	No, I don't.	16		determine your physical and mental capacity to
17	Q	Okay. But in any event, to Dr. Gunner who was	17		continue to teach for the Perkins Local School
18		there, you offered the explanation that you just	18		District, correct?
19		provided to me?	19	Α	Yes.
20	Α	Yes.	20	Q	Okay. And, in fact, did you submit to such an
21	Q	Okay.	21		examination?
22	Α	I was not sleeping.	22	Α	A physical.
23	Q	Okay.	23	Q	Was there ever a psychological examination?
24	A	When you're sitting that close to the screen your	24	Ā	No.
25		eyes get tired.	25	•	MR. BELAZIS: Now, that was requested
		HUNTLEY REPORTING SERVICE	-0		HUNTLEY REPORTING SERVICE
		419-626-4039			419-626-4039
		800-247-8360			800-247-8360
L					
	Q	202	1		204
2	Q A	202 So were your eyes closed?	1 2		204 by me in my discovery, if you're about to hand
2 3	_	202	2		by me in my discovery, if you're about to hand her the report?
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		205			207
1		MS. GRIGSBY: I think it was, but if	1		might have told Chris one time, Gasteier.
2		not, please take all the time you need.	2	Q	Okay. Do you know when you had a conversation
3		THEREUPON, Defendants' Exhibit 22 was marked	3		with Mr. Gasteier about that topic?
4		for identification	4	Α	No, I think we were just kind of conversing.
5		THEREUPON, there was a brief recess.	5		But, I don't talk about it, that's all.
)	BY MS. GRIGSBY:	6	Q	So you never went out of your way to advise
7	Q	Mrs. Smith, have you seen the document that has	7		people at the administration of Perkins Schools
8		been marked as Exhibit 22 prior to today?	8		that you had a sleep apnea condition?
9	Α	No.	9	Α	No.
10	Q	Do you know whether this copy, a copy of this	10	Q	Okay.
11		document was ever given to any of your prior	11	Α	Actually the subject never came up.
12		attorneys, either Mr. Zraik or the folks who	12	Q	Okay. But in the course of communicating your
13		represented you in connection with the	13		history to the physician who conducted this
14		termination, or Mr. Kramer?	14		examination, who is Dr. Kale
15	Α	No, I don't know.	15	Α	Yes.
16	Q	Okay.	16	Q	you advised him of that fact?
17	Α	I don't know if Mr. Kramer asked for a copy.	17	A	Yes.
18	Q	Okay. In any event, I'm going to ask you a	18	Q	Okay. There's also reference in this document to
19		couple questions about the document or things	19		the fact that you underwent a, were a participant
20		said in the document. There's reference in the	20		in a sleep study at the Cleveland Clinic?
21		document to a sleep apnea condition?	21	Α	Yes.
22	Α	Yes.	22	Q	Okay. Now, prior to the date of the examination
23	Q	Okay. Prior to the date let me back up. This	23	_	had you ever advised the administration at
24	•	document is dated August 7, 2008, but it's my	24		Perkins that you had been a participant in the
25		belief that that's an inaccurate date, that it	25		sleep study?
		HUNTLEY REPORTING SERVICE			HUNTLEY REPORTING SERVICE
		419-626-4039			419-626-4039
		800-247-8360			800-247-8360
-33		206	1		208
		actually was August 7, 2009, would you agree with	1	Α	That was in the summertime, I think, I'm pretty
2					
		that?	2		sure, the sleep study, and I just didn't talk to
3	Α	that? No, I think it was 2008.	3		
3 4	A Q			Q	sure, the sleep study, and I just didn't talk to
		No, I think it was 2008.	3	Q	sure, the sleep study, and I just didn't talk to anybody.
4		No, I think it was 2008. Well, the reason I say that is, because if you	3 4	Q A	sure, the sleep study, and I just didn't talk to anybody. Yes. Okay. So, and because it was during the summer you didn't feel the need to
4 5		No, I think it was 2008. Well, the reason I say that is, because if you look at the prior letter which orders or requests	3 4 5	_	sure, the sleep study, and I just didn't talk to anybody. Yes. Okay. So, and because it was during the
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r		Case: 3:11-cv-00560-JRK Doc #: 103 F	ilec	d: 01	
_	_	209			211
1	Α	I was just trying to think, he was a German man	1	Q	Are there names among those listed in response
2		with a thick accent, but he retired right after	2		to
3		that and moved to California, and it was a German	3	Α	Vaschack.
4		name and I can't think of it.	4	Q	your Interrogatories I mean, your Request
5	Q	That was conducted at the Cleveland Clinic?	5		For Production of Documents of your care
	Α	Yes.	6		providers?
1	Q	What were the results of that study as they	7	Α	He is not on here.
8		pertain to you?	8	Q	Okay. So do you have any records which would
9	Α	They did a U a UTTP or they remove my ovula,	9		tell us the name of your of those two doctors?
10		the tonsils	10	Α	I had records, but
11	Q	Okay.	11		MR. BELAZIS: We can get those for you.
12	Α	that kind of stuff.	12		MS. GRIGSBY: Okay. I just want to
13	Q	So as a result	13		make sure if there are not here, then they
14	Α	Up there, took everything out.	14		haven't been compiled. Mr. Kramer didn't compile
15	Q	Okay. So as a result of that sleep study you	15		them, so I'd like for those to be compiled as
16		were determined to need some surgery?	16		well.
17	Α	Yes.	17		MR. BELAZIS: The bariatric surgery,
18	Q	And then you had that surgery?	18		and I think that was done, was that at Firelands?
19	Ā	Yes.	19		THE WITNESS: No, everything was done
20	Q	And it involved removing your tonsils and	20		at Cleveland. The only thing at Firelands was
21		adenoids?	21		the cataract.
22	Α	And my ovula.	22		MR. BELAZIS: Was that in 2005?
23	Q	Okay.	23		THE WITNESS: No.
24	Ā	And then for awhile I had a BIPAP machine, but I	24		MR. BELAZIS: Earlier?
25	•	started losing weight then that all went away.	25		THE WITNESS: That. The surgery she's
-		HUNTLEY REPORTING SERVICE	23		HUNTLEY REPORTING SERVICE
		419-626-4039			419-626-4039
		800-247-8360			800-247-8360
-		210	-		212
ŀ	Q	Okay. And what kind of you said that you had	1		talking about was earlier.
2	_	trouble, you would have trouble breathing at	2		MR. BELAZIS: Okay.
3		night?	3		MS. GRIGSBY: Right.
4	Δ	When I was sleeping, I didn't I would breathe,	4		BY MS. GRIGSBY:
5		you just skip heartbeats	5	Q	
6	Q	Okay.	6	· ·	So my understanding is that you had the bariatric surgery a couple years after this incident with
7	Ā	because of the breathing.	7		the sleep
8	Q	Did you have any other symptomology that was	8	Α	Yes.
9	_	related to your sleep or your sleep patterns that	9	Q	
10		prompted this, the sleep study?	10	Q	and the sleep study? So there must be another
11	Α	The breathing mostly.	11		set of records concerning the sleep study and the
12	Q	Okay. Anything else?	12	Α	result the surgery, or two sets?
13	A	Because, you know, that would wake you up.		A	We'll probably have to go to the Cleveland Clinic
14	Q		13	^	for that.
1	A	Okay. When was the surgery that you had?	14	Q	Right, which are not listed here, so we would
15 16	~	I'm just trying to think. It's awhile ago. It's	15	٨	just like those to be produced.
17	Q	ten years ago, anyway.	16	A	All right.
I		So maybe 2004?	17	Q	Okay. Now, did you provide the information in
18	Α	I don't know.	18		the report, 22, indicates that you did not
19	Q ^	In that time frame?	19		provide Dr. Kale with your medical records?
20	Α	Yes, probably.	20	Α	No, because he was asking me all kinds of
21	Q	Just quickly, is the doctor who conducted the	21		questions. Dr. Vaschack
22		sleep study and the doctor who did the surgery,	22		MR. BELAZIS: Just her only question
23		as a result, were those two different	23		was
24		individuals?	24		THE WITNESS: No.
	Α	Yes.	25		MR. BELAZIS: did you provide your
		HUNTLEY REPORTING SERVICE			HUNTLEY REPORTING SERVICE
		419-626-4039			419-626-4039
		800-247-8360	i		800-247-8360

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		213		0_	215
1		medical records to the doctor?	1	Α	Yes.
2		THE WITNESS: No.	2	Q	And would you require any accommodation to
3		MR. BELAZIS: And I think you already	3		enabled to you teach adequately?
4		answered that.	4	Α	Just the accommodations that they gave me for
5		THE WITNESS: Yes. No.	5		diabetes.
	À.	BY MS. GRIGSBY:	6	Q	To inject yourself?
	2				
(Q	On page 3 of his report he indicates "Ms. Smith	7	A	Uh-huh.
8		would not allow access to her personal medical	8	Q	And those that were outlined in the letter that
9		records;" is that a true statement?	9		we spoke of earlier?
10	Α	No.	10	Α	Yes.
11	Q	Okay.	11	Q	Okay. By the way, did you have an objection to
12	Α	If he would have told me bring them, I would have	12		the fact that you did you ever issue an
13		brought them.	13		objection in writing or verbally to Dr. Gunner
14	Q	Did he ask you during the course of the study	14		about the fact that you were required to undergo
15		that he'd like to review your records?	15		this Fit For Duty Examination?
16	Α	No.	16	Α	Yes.
17	Q		17	Q	
1	Q	Do you have any explanation as to why he would	1		Did you filed a grievance concerning it?
18		state, "Ms. Smith would not allow access to her	18	Α	I filed a grievance concerning the psychological
19	_	personal medical records?"	19	_	exam.
20	Α	Where are you seeing that?	20	Q	And, in fact, you were never forced to submit to
21	Q	The bottom of page 3.	21		the psychological exam?
22	Α	The bottom of page 3.	22	Α	Not after I filed that grievance.
23	Q	The very bottom.	23	Q	In June, mid June of 2009, did you attend a
24	Α	"And therefore today's was based totally on her	24		technology seminar with other teachers?
25		history and clinical examination." I think it's	25	Α	Yes.
		HUNTLEY REPORTING SERVICE			HUNTLEY REPORTING SERVICE
		419-626-4039			419-626-4039
		800-247-8360			800-247-8360
- 171			1		
		214	1		216
		214 mostly because I didn't have them. If he would	1	Q	216 June 16th, 17th time frame 2009?
		mostly because I didn't have them. If he would	1 2	Q A	June 16th, 17th time frame 2009?
2		mostly because I didn't have them. If he would have said, "Can I have your records?" I don't	2	A	June 16th, 17th time frame 2009? Yes, four days.
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1	_	present?	1	A	No. You mean during that week?
2	Α	I think Mr. Gasteier came in one time.	2	Q	At any time.
3	Q	Do you know how long Dr. Gunner was present at	3	Α	No.
4		the seminar?	4	Q	Do you know who the teachers were who made the
5	Α	The first day just to hand out papers that we	5		reports?
A.)	needed to fill out saying that we were there and	6	Α	I think Nancy Kinsel.
1		the pay scale and I think at the end just to	7	Q	Okay.
8		collect them.	8	Α	I think Shana DeRose-Smith, who sat directly down
9	Q	So he was not participating in the seminar?	9		in front of me. I don't know, there might have
10	Α	He did not participate.	10		been some more, but I don't know who they were.
11	Q	And did not, you know, attend it for educational	11	Q	Do you have reason to think that those teachers
12		purposes himself?	12		had a motive to report falsely about you?
13	Α	No, it was an excellent seminar.	13	Α	I no. I don't know, okay?
14	Q	Okay. And I was about to ask you, do you have an	14	Q	Okay. And so if those teachers came to
15		explanation as to why your fellow teachers would	15		Dr. Gunner and said, "We observed Carol Smith
16		have reported you to have been sleeping?	16		sleeping," and you said to him, "I wasn't
17	Α	No, I don't.	17		sleeping," he was faced with a decision as to who
18	Q	During the meeting on July 7, 2009, to discuss	18		he had to believe, correct?
19	_	those allegations, did you offer an explanation	19	Α	That's correct.
20		as to your conduct?	20	Q	And do you consider there to be anything
21	Α	To Dr. Gunner?	21	· ·	inherently wrong with the fact that Dr. Gunner,
22	Q	Yes, ma'am.	22		
23	A		23		in this situation, chose to believe the other
24	Q	Yes, I did.	l .	٨	teachers as opposed to you?
25	A	And what did you tell him?	24	A	Dr. Gunner can believe whoever he wants.
25	A	I told him I wasn't sleeping.	25	Q	Now, in your discovery responses there was some
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		419-626-4039			419-626-4039
<u></u>		800-247-8360			800-247-8360
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	Q	And did you indicate that you may have given the	1		discussion of the fact that you were not allowed
2	_	appearance of sleeping?	2	_	to go to a technology seminar in Columbus?
3	Α	I didn't give the appearance. I my eye, this	3	Α	That's correct.
4		eye closes, I'm looking at the computer, I was	4	Q	And instead you went to one in Independence,
5	_	not sleeping.	5	_	Ohio?
6	Q	Okay.	6	Α	Yes.
7	A	I was working on a project almost for four days.	7	Q	And you indicated that was because of a plan to
8	Q	Okay. Do you feel there was anything improper	8		get rid of you? That's what your discovery
9		with Dr. Gunner asking you to explain your view	9		responses indicate.
10	_	of the events in a disciplinary meeting?	10	Α	I don't think that he wanted to spend the money
11	Α	No, that's his job.	11		for me to go to Columbus because he might have
12	Q	And did you tell him that you needed any kind of	12		thought I might be leaving.
13		accommodation to participate fully in the	13	Q	Okay. Do you have any evidence to base that,
14		seminar?	14		to
15	Α	This was I'll tell you why the seminar was so	15	Α	Yes.
16		good, because we got breaks in the morning and we	16	Q	back up that belief?
17		had an hour and a half lunch in the afternoon, we	17	Α	Yes, I do.
18		went back from 1:00 to 3:00, and he usually left	18	Q	What would that evidence be?
19		us out at 11:30.	19	Α	Because at one of at a meeting with
20	Q	Uh-huh. So based upon that	20		Mr. Gasteier, this was, this technology
21	Α	I was able to take care of my needs because I had	21		conference was, I think, the 1st, started on the
22		a lot of time.	22		1st day of February and
23	Q	Okay. Did you have conversations with any of	23	Q	The one in Columbus?
24.		your fellow teachers about the fact that it had	24	Α	Yes. And I told Mr. Gasteier in October, as soon
		been reported that you had been sleeping?	25		as he made it public that, you know, about this
		HUNTLEY REPORTING SERVICE			HUNTLEY REPORTING SERVICE
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1		conference, that I would like to go. And he	1		Independence and we talked about that?
2		never answered me, he never answered me. In the	2	A	Right.
3		middle of January I asked him, I said, "Chris,	3	Q	My understanding, as well, is that there were
4		I'd like to go to that conference in Columbus on	4		various STEM school seminars that were made
5		February 1st and I have not heard anything." And	5	_	available for staff to attend?
)	he didn't answer me, he says, "Let me look into	6	Α	Uh-huh.
1		it." And then on the, the end of January, before	7	Q	Did you make a request to attend any particular
8		the conference, I said to Chris one more time,	8		of these STEM seminars?
9		"Am I going to Columbus or not?" And he said to	9	Α	Yes.
10		me, "How would you like to go to a free	10	Q	How many requests did you make?
11		conference in Independence, Ohio on February 1st	11	Α	One for sure that I can remember. I think I
12		and 2nd?" or the same time basically. And I	12		might have wanted to go to two, but I went to
13		says, "Well, I'd like to go to Columbus, to the	13		one.
14		one in Columbus," I says, "I think I'll learn	14	Q	Did you actually attend one STEM seminar?
15		more. You're accusing me not understanding the	15	Α	Yes.
16		SMARTBoard and I think I'll learn more down	16	Q	Where was that at?
17		there." And he says, "There's a free one in	17	Α	In Cleveland at Neil Heights, General Electric.
18		Independence." And he left me out of school for	18	Q	Do you recall any others that you wish to attend
19		two days to and since Independence is less	19	-	that you didn't?
20		than 75 miles I had to pay my own expenses.	20	Α	Well, I think there was, it was in Kentucky or
21	Q	You were excused from school for two days to	21		Tennessee, that I would have liked to have gone
22		attend the Independence seminar?	22		to, so.
23	Α	Yes.	23	Q	Are any others that you recall that you wanted to
24	Q	If there was a plan in place to try to get rid of	24	_	go to?
25	_	you, why would the school district have bothered	25	Α	No, just those two.
		HUNTLEY REPORTING SERVICE		^	HUNTLEY REPORTING SERVICE
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		800-247-8360			800-247-8360
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)	to send you to any seminar at all?	1	Q	Okay. And you did end up going to the one in
2	Α	Well, that's a good question. Fair. I don't	2	•	Cleveland?
3	^	know.	3	Α	Yes.
4	Q	Do you know how many people applied to go to the	4	Q	But you did not go to the one in Kentucky?
5	•	Columbus seminar?	5	A	No.
6	Α	Several.	6	Q	Why was that?
7	Q	Did they all get to go?	7	A	Because they said they turned me down, my
8	A	Yes.	8	^	application down.
9	Q	Do you know of anybody who applied who didn't get	9	Q	Do you know how many slots were available for
10	Q	to go?	10	Q	teachers to attend the various seminars?
11	Α	No.	11	Α	No.
	Q	Okay.	1		
12 13	w.	MR. BELAZIS: Theresa, when you're done	12 13	Q	Do you know whether other teachers ever made
14		with this line there's one thing I got to confirm	14		requests to attend particular STEM seminars and
15			15	٨	were turned down?
16		with her about.	1	A	No.
17		MS. GRIGSBY: Just a couple more. No,	16	Q A	You don't know that they were?
18		that's fine, I think those questions go off in a	17		No, I don't know
1		different direction, so that's fine.	18	Q ^	One way or the other?
19	0	THEREUPON, there was a brief recess.	19	A	what they applied and were turned down.
20	Q ^	Hopefully we won't be that much longer.	20	Q	I just want to make sure, you're not saying
21	Α	That's fine.	21		others were not turned down, you just don't know
22	Q ^	You feel good?	22		one way or the other?
23	Α	Yes, I just used the restroom.	23	A	That's right.
24	Q	Okay, thank you. When we broke, Carol, we were	24	Q	Okay. Have you ever utilized FLMA leave?
21			25	Α	No.
21		talking about a technology seminar in			
21		HUNTLEY REPORTING SERVICE			HUNTLEY REPORTING SERVICE
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1	Q	Okay.	1	Α	I don't did he teach at Perkins? I don't know
2	Α	That's what, family medical?	2		much about his history.
3	Q	Family Medical Leave Act?	3	Q	Okay. Jeff Printy, do you know the name Jeff
4	Α	No.	4		Printy?
5	Q	Okay. And so I take it that if you've never	5	Α	Oh, yes.
(1)	4	utilized that leave, you've never had a request	6	Q	Now, who was Jeff Printy or is Jeff Printy?
	3	or an extension of that leave denied?	7	Α	He was the OWA teacher.
8	Α	Right.	8	Q	Uh-huh. At Perkins?
9	Q	Do you have any personal knowledge of the	9	Α	At Perkins.
10		circumstances surrounding an FLMA leave	10	Q	And do you know how many days Jeff Printy had to
11		circumstance involving Christine Donovo?	11		reach his 35 years of teaching at the time he
12	Α	No. I know she was gone for quite awhile.	12		became a full-time substitute?
13	Q	But do you have any knowledge of those	13	Α	Oh, maybe a month or two.
14		circumstances involving her being gone?	14	Q	Okay. As of the date of your suspension from
15	Α	I don't know why she was gone.	15		work, how much longer would you have had to work
16	Q	Okay. Do you believe that in some way you've	16		to reach 35 years?
17		been treated differently than Christine?	17	Α	Another year.
18	Α	Well, I never applied for an FLM whatever you	18	Q	A full year?
19		call it	19	Α	Uh-huh.
20	Q	Okay.	20	Q	Did you ever make a proposal to Dr. Gunner or
21	Α	family leave medical thing. I don't know if	21		anybody in the administration, during any of the
22		that makes us different.	22		disciplinary conferences we've talked about, that
23	Q	Okay. Is there a reason that you believe that	23		you become a full-time substitute?
24		she was treated more favorably than you in some	24	Α	No, I did not.
25		respect?	25	Q	Okay. Who is Donny Fry?
		HUNTLEY REPORTING SERVICE			HUNTLEY REPORTING SERVICE
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4.75%		226			228
) A	226 I don't even know Christine Donovo.	1	Α	Donny Fry?
z	A Q	I don't even know Christine Donovo. Do you think Shane Burrows was in some way treat	2		
2 3	/ _	I don't even know Christine Donovo. Do you think Shane Burrows was in some way treat more favorably than you?	3	A Q	Donny Fry? MR. GUNNER: Donna. Yes. Or Donna Fry?
3 4	Q A	I don't even know Christine Donovo. Do you think Shane Burrows was in some way treat	2 3 4		Donny Fry? MR. GUNNER: Donna.
3 4 5	Q A Q	I don't even know Christine Donovo. Do you think Shane Burrows was in some way treat more favorably than you? Shane Burrows? Uh-huh.	2 3 4 5	Q A	Donny Fry? MR. GUNNER: Donna. Yes. Or Donna Fry? She's the Home Ec teacher that taught, she taught across the hall from me on the 600 wing.
3 4 5 6	Q A	I don't even know Christine Donovo. Do you think Shane Burrows was in some way treat more favorably than you? Shane Burrows? Uh-huh. Let's see, I got to think who Shane is. He's the	2 3 4 5 6	Q A Q	Donny Fry? MR. GUNNER: Donna. Yes. Or Donna Fry? She's the Home Ec teacher that taught, she taught across the hall from me on the 600 wing. Did you ever observe Donna Fry sleeping in class?
3 4 5 6 7	Q A Q	I don't even know Christine Donovo. Do you think Shane Burrows was in some way treat more favorably than you? Shane Burrows? Uh-huh. Let's see, I got to think who Shane is. He's the Phys Ed teacher, right? I don't maybe in some	2 3 4 5 6 7	Q A	Donny Fry? MR. GUNNER: Donna. Yes. Or Donna Fry? She's the Home Ec teacher that taught, she taught across the hall from me on the 600 wing. Did you ever observe Donna Fry sleeping in class? Well, I wasn't in her class the same time I was
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1	Q	And so he had to take over the class one time?	1	_	superintendent?
2	A	Uh-huh.	2	Α	No.
3	Q	Do you know of any other occasion?	3	Q	You were never advised of that?
4	Α	Just no, not I know she was late a few	4	Α	No.
5		times from being in the building.	5	Q	If that happened, and that is if a Board member
2.00	Q	Do you know whether or not there were ever	6		reported a concern about something that happened
		warnings issued to her concerning her tardiness?	7		in a classroom, an inappropriate discussion, an
8	Α	No, I don't.	8		allegation of an inappropriate discussion, would
9	Q	What building was that?	9		you agree that the superintendent then would have
10	Α	The high school, in the 600 wing.	10		a duty to follow up and look into that
11	Q	And the occasion that, or occasion or occasions	11		allegation?
12		that you saw her being tardy, what year was that?	12	Α	Maybe.
13	Α	The last year, 2009.	13	Q	Okay. So in this case, do you believe there was
14	Q	2009 and 2010. Who is Tim Obergefell?	14	_	anything improper about Dr. Gunner following up
15	Ā	Obergefell is a Political Science teacher in the	15		and investigating these concerns that were
16	•	Social Studies Department.	16		expressed by these students about the discussion?
17	Q	Do you know whether Tim was ever reprimanded?	17	Α	No.
18	A	Yes.	18	Q	17.7
	Q		1		It was his job?
19		Do you know how many times he was reprimanded?	19	A	Yes.
20	A	No.	20	Q	Okay. Did it ever come to your attention that
21	Q	Do you know the subject matter of his reprimand?	21		during the course of investigating those
22	Α	One was to show a video of "The Beheading."	22		concerns, about the discussion in class, that the
23	Q	And when did that occur?	23		students then raised other issues concerning your
24	Α	When did "The Beheading" occur? I don't	24	_	supervision of the class?
25		remember, probably 2008 or 9.	25	Α	That class was supervised.
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		419-626-4039			419-626-4039
		800-247-8360			800-247-8360
		230			232
	Q	And it's your understanding that he indeed was	1	Q	I understand that that is your position, that you
- 2		disciplined for that?	2		adequately supervised
3	Α	It is not my understanding.	3	Α	Yes.
4	Q	What is your understanding?	4	Q	but are you aware that students made
5	Α	That he was admonished, but I don't know if he	5		allegations to the contrary?
6		was disciplined.	6	Α	Yes.
7	Q	Okay. It may have been an informal reprimand as	7	Q	Okay. And they made allegations that you were
8		opposed to a formal reprimand?	8		not properly supervising the class?
9	Α	I don't know.	9	Α	Okay.
10	Q	Okay. Now, you've become aware in the last few	10	Q	Correct? Is that your understanding?
11		years that there were students in your history	11	Α	To me personally?
12		class, in the high school, that made some,	12	Q	No, ma'am. That during the course of the
13		expressed some complaints about a discussion that	13	-	investigation of the discussion concerning yellow
14		took place that stemmed from the topic of yellow	14		journalism/pornography, that the students also
15		journalism, correct?	15		expressed concerns to Dr. Gunner about
16	Α	Yes.	16		supervision in the class, are you aware of that?
17	Q	Were you ever made aware that students had	17		MR. BELAZIS: I'm just going to object
18	•	expressed those concerns to a teacher and the	18		to on the grounds that whatever they said, is I
19		teacher in turn expressed those concerns to a	19		think the documents will speak for themselves, so
20		board member?	20		however those are characterized.
21	Α	Mr. Gasteier told me.	21		THE WITNESS: Uh-huh.
22	Q	That that sequence of events occurred?	22		· · · · · · · · · · · · · · · · · · ·
23	A	Yes.	23		MS. GRIGSBY: Okay.
24	Q	Were you aware that that Board member then		^	BY MS. GRIGSBY:
~	~	communicated that information to the	24	Q	And during the course of the termination
			25		proceeding that ultimately occurred, you heard
		HUNTLEY REPORTING SERVICE			HUNTLEY REPORTING SERVICE
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1		some of those students testify, didn't you?	1		their picture it doesn't matter if their names
2	Α	Yes.	2		are there.
3	Q	And you heard them express concerns that you were	3		MS. GRIGSBY: Well, let's go off the
4		not appropriately supervising the class, correct?	4		record.
5	Α	Yes.	5		THEREUPON, there was a discussion off the
c	Q	And you heard them express testimony that they	6		record.
)	observed you sleeping in class, in their opinion?	7		MR. BELAZIS: Why don't we just agree
8	Α	Yes.	8		that the, if it's okay, the court reporter can
9	Q	Okay. Now, if they had made those allegations or	9		keep the last names of the students out when it's
10	_	made those statements to Dr. Gunner before the	10		transcribed.
11		termination proceeding, again, would you agree	11		
12			12		THE WITNESS: I'm sorry.
		that he would have a duty to look into that			MS. GRIGSBY: It's okay.
13		issue?	13		MR. BELAZIS: It's not your fault.
14	Α	Yes.	14	_	BY MS. GRIGSBY:
15		THEREUPON, Defendants' Exhibit 24 was marked	15	Q	So Brian is the individual, the student on, who
16		for identification.	16		is most prominently displayed on the pictures on
17		MS. GRIGSBY: Off the record for a	17		page 1 and page 2?
18		minute.	18	Α	Yes.
19		THEREUPON, there was a discussion off the	19	Q	And the first name of the young lady who is on
20		record.	20		page 2 is what?
21	Q	Mrs. Smith, are you aware that students took	21	Α	I think that's Amanda.
22		pictures of you?	22	Q	Okay. And are you depicted in these photos?
23	Α	Yes. Yes, these were consecutive pictures here.	23		First directing your attention to page 1 of 24,
24	Q	Okay. And just so the record is clear, in what	24		are you depicted in page 1?
25		class, during what class period would the	25	Α	Yes.
		HUNTLEY REPORTING SERVICE			HUNTLEY REPORTING SERVICE
		419-626-4039			419-626-4039
		800-247-8360			800-247-8360
			 		
		234			236
	ì		1	Q	236 And where are you located?
) A	pictures of you have been taken?	l _	Q A	And where are you located?
3) A Q	pictures of you have been taken? This was probably when they came back from lunch.	2	Α	And where are you located? I'm slouched down in my, in the teacher's chair.
3 4	A Q	pictures of you have been taken? This was probably when they came back from lunch. Okay. And you're looking now at an exhibit	2		And where are you located? I'm slouched down in my, in the teacher's chair. And you're the lady with the glasses on slouched
1 -		pictures of you have been taken? This was probably when they came back from lunch. Okay. And you're looking now at an exhibit that's been marked as No. 24. And are these the	2 3 4	A Q	And where are you located? I'm slouched down in my, in the teacher's chair. And you're the lady with the glasses on slouched down in the chair?
5		This was probably when they came back from lunch. Okay. And you're looking now at an exhibit that's been marked as No. 24. And are these the pictures that you have come to understand were	2 3 4 5	A Q A	And where are you located? I'm slouched down in my, in the teacher's chair. And you're the lady with the glasses on slouched down in the chair? Yes.
5	Q	This was probably when they came back from lunch. Okay. And you're looking now at an exhibit that's been marked as No. 24. And are these the pictures that you have come to understand were taken of you one day after lunch?	2 3 4 5 6	A Q A Q	And where are you located? I'm slouched down in my, in the teacher's chair. And you're the lady with the glasses on slouched down in the chair? Yes. Okay.
5 6 7	Q A	This was probably when they came back from lunch. Okay. And you're looking now at an exhibit that's been marked as No. 24. And are these the pictures that you have come to understand were taken of you one day after lunch? Yes.	2 3 4 5 6 7	A Q A Q A	And where are you located? I'm slouched down in my, in the teacher's chair. And you're the lady with the glasses on slouched down in the chair? Yes. Okay. I'm watching the kids take the pictures there.
5 6 7 8	Q A Q	This was probably when they came back from lunch. Okay. And you're looking now at an exhibit that's been marked as No. 24. And are these the pictures that you have come to understand were taken of you one day after lunch? Yes. And would that have been a study hall period?	2 3 4 5 6 7 8	A Q A Q A Q	And where are you located? I'm slouched down in my, in the teacher's chair. And you're the lady with the glasses on slouched down in the chair? Yes. Okay. I'm watching the kids take the pictures there. Okay. How are the pictures taken?
5 6 7 8 9	Q A Q A	This was probably when they came back from lunch. Okay. And you're looking now at an exhibit that's been marked as No. 24. And are these the pictures that you have come to understand were taken of you one day after lunch? Yes. And would that have been a study hall period? Yes.	2 3 4 5 6 7 8 9	A Q A Q A	And where are you located? I'm slouched down in my, in the teacher's chair. And you're the lady with the glasses on slouched down in the chair? Yes. Okay. I'm watching the kids take the pictures there. Okay. How are the pictures taken? Well, I got mad at Brian and Amanda, because I
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5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q	This was probably when they came back from lunch. Okay. And you're looking now at an exhibit that's been marked as No. 24. And are these the pictures that you have come to understand were taken of you one day after lunch? Yes. And would that have been a study hall period? Yes. Okay. No, this was as they were coming in from lunch. Coming in from lunch? Right. For your history class? Yeah. Okay. Now, looking at Exhibit 24, we have three	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A Q A Q A Q A	And where are you located? I'm slouched down in my, in the teacher's chair. And you're the lady with the glasses on slouched down in the chair? Yes. Okay. I'm watching the kids take the pictures there. Okay. How are the pictures taken? Well, I got mad at Brian and Amanda, because I told them, he was showing her her camera at one point. These two, by the way, I think are the same picture here, one is just bigger than the other one. It could be. Yes. The bottom of page 1 of Exhibit 24 is the same as
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Γ		Case: 3:11-cv-00560-JRK Doc #: 103	File	1: 01	
1		237	1		239
1		phones out in the classroom." And here he did	1		unprofessional behavior it could lead to
2	0	put it away.	2	۸	termination?
3	Q	And you're talking about?	3	A	Yes.
4	A	Or somebody.	4	Q	Okay. And, in fact, after being given that
5	Q	Which particular photo are you referring to now?	5		notice, isn't it true that there was another
	A	The bottom of page 2.	6		intervening incident, that is the tech seminar
	Q	Okay.	7		allegation of sleeping that we talked about
8	Α	He was putting it away. And No. 3 I finally sat	8		earlier, but you were not immediately terminated,
9		up in the chair and told him to "make sure that	9	_	were you?
10		you keep that in your pocket or I can confiscate	10	Α	After the tech seminar?
11	_	it."	11	Q	Right.
12	Q	You're referring now to a cell phone?	12	A	No.
13	Α	Yes.	13	Q	You were docked pay, correct?
14	Q	About the size of my cell phone here?	14	Α	Yes.
15	Α	Yes.	15	Q	Did you view that as some kind of reprieve or
16	Q	Okay. And sitting here today, you're still of	16		grace that you had not been terminated?
17		the belief that these photos were taken with a	17	Α	I don't understand your question.
18		cell phone?	18	Q	Well
19	Α	That's what I saw him have in his hand.	19		MR. BELAZIS: Did you feel like you
20	Q	Okay.	20		were lucky you didn't get fired?
21	Α	And then the other girl that's not in these	21		THE WITNESS: No, I had no reason to be
22		pictures, she had one too.	22		fired.
23	Q	Okay.	23	Q	Even though it was an intervening incident after
24	Α	These were taken all together here.	24		being warned the next incident could lead to
25	Q	In one time period?	25		termination?
		HUNTLEY REPORTING SERVICE			HUNTLEY REPORTING SERVICE
		419-626-4039			419-626-4039
		800-247-8360			800-247-8360
A, s.		238			240
i	A	Because he put the cell phone away then. And	1	Α	Yes.
- =	_	Mr. Crabtree came and got him.	2	Q	Okay.
3	Q	Mr. Crabtree came and got what?	3	Α	My eyes looked like I am asleep all the time.
4	Α	Brian out, Brian out of his study hall?	4	Q	And just going back to Exhibit 24, it's your
5	Q	That in that very day?	5		testimony you were not asleep in this photo?
6	Α	Yes. Right after this, after I told him to put	6		This photo does not depict
7	_	the cell phone away.	7	Α	It is my testimony. This one here, I'm looking
8	Q	And Mr. Crabtree is who?	8		right at Brian to make sure that he put his phone
9	Α	His wrestling coach.	9		away. This is where I noticed he had it up in
10	Q	And why did he come to take Brian away?	10		the air and that's how I see things.
11	Α	I don't know, he just wanted just took him	11		THEREUPON, Defendants' Exhibit 25 was marked
12	_	out.	12		for identification.
13	Q	Okay. You don't know whether it had anything to	13	Q	Okay. Focusing not so much on your eyes, but
14	_	do with this incident?	14		your body posture, is that typically how you sit
15	A	I don't think so, just right after that he left.	15	_	in your classroom?
16	Q	Okay. Well, if a school principal or a school	16	Α	The kids were just coming in here, that was from
17		administrator were provided these photos during	17		lunch yet. When they started coming in I'm
18		the investigation of the discussion of yellow	18		starting to sit up in the chair at this point,
19		journalism or pornography	19		you can see, I'm higher here and I'm up here.
20	A	Right.	20		MS. GRIGSBY: Okay. Just one moment.
21	Q	you would agree he would have a duty to follow	21		(Telephonic Interruption in proceedings.)
22	_	up and make inquiry of these?	22	Q	Do you recognize the letter that's been marked as
23	Α	Of course.	23		Exhibit 23?
24	Q	Prior to this point you had been advised, had you	24	Α	Yes.
1.00		not, that if there were other incidents of	25	Q	Is it 23? 25, I'm sorry. And did you, you
7					
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1		received this letter approximately July 8, 2009?	1		
		• • • • •	1		he wanted me to leave, and I said, "I'll finish
2	A	Yes.	2		them and my husband would run them back," but my
3	Q	And I just want to direct your attention to the	3	_	husband would not run them back.
4		last paragraph of that letter, because it	4	Q	So your husband just declined to do that?
5		pertains to the matter we were just discussing.	5	A	That's correct.
, C.	1	As of July 8, 2009, you had been warned that any	6	Q	Did you take it upon yourself to deliver those?
1	Z.	further incidence of unprofessional behavior	7	Α	No, he told me not to set foot back in there.
8		would result in recommendation for termination of	8	Q	Did you call him to try to make other
9		your employment, correct?	9		arrangements for the lesson plans?
10	Α	Yes.	10	Α	No, my husband told me I couldn't.
11	Q	Okay. This is just a cleanup document here just	11		THEREUPON, Defendants' Exhibit 28 was marked
12		to clarify something we spoke of earlier.	12		for identification.
13		THEREUPON, Defendants' Exhibit 26 was marked	13	Q	Mrs. Smith, do you recognize the document that's
14		for identification.	14		been marked as Exhibit 28?
15	Q	Carol, looking at Exhibit 26, does that refresh	15	Α	Yes.
16		your recollection as to the actual date that the	16	Q	This is a letter that you received from
17		Fitness For Duty Examination would have taken	17		Dr. Gunner, correct?
18		place?	18	Α	Yes.
19	Α	Yes.	19	Q	And it schedules a disciplinary conference on
20	Q	Indeed, based upon this, do you recall that it	20		April 1, 2010 concerning engaging in
21		occurred in August of 2009?	21		inappropriate discussion in a high school Social
22	Α	2009.	22		Studies class, dozing off for several minutes
23	Q	Correct?	23		while supervising study hall and arriving tardy
24	Α	Uh-huh.	24		at history, those are the three topics of
25		///	25		discussion?
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		242		_	244
		THEREUPON, Defendants' Exhibit 27 was marked	1	Α	Yes.
-	_	for identification.	2	Q	That you were informed that would be discussed?
3	Q	I'm sorry, if you would pass that to your	3	Α	Yes.
4		counsel, No. 27, it's the same. Mrs. Smith, do	4	Q	Okay. Do you think it was inappropriate in any
5		you recognize the document that's been marked as	5		way for Dr. Gunner to have scheduled this
6	_	Exhibit 27?	6		conference?
7	A	Yes.	7	Α	Yes.
8	Q	This was a document that you received signed by	8	Q	Why so?
9		Dr. Gunner and you acknowledged receipt of it,	9	Α	Because I didn't think that I did these things.
10		correct, in writing?	10	Q	Okay. If Dr. Gunner received reports that you
11	A	Yes.	11		had done these things, would it have been
12	Q	Advising you that you were relieved of your	12		inappropriate, in your view, for him to have
13		duties pending outcome of the investigation	13		scheduled a conference?
14		pertaining to an inappropriate discussion in the	14	Α	Would you mind repeating that?
15	_	Social Studies class, correct?	15	Q	Sure. Let's assume that Dr. Gunner did hear from
16	A	Yes.	16		students that you engaged in inappropriate
17	Q	And at this point Dr. Gunner does not tell you	17		discussion concerning pornography, that you had
18		that he's going to recommend your termination,	18		dozed off while supervising study hall, and that
19		does he?	19	_	you arrived tardy at history.
20	A	Not in this letter.	20	Α	Uh-huh.
21	Q	Okay. Were you asked to provide lesson plans?	21	Q	If he had received those reports, would it have
22	Α	Yes, I had them in my in fact, I started	22		been inappropriate for him to schedule this
23	_	typing them but they weren't complete	23		conference to discuss them with you?
24	Q	Okay.	24	Α	No.
7.	A	and I told him I was finishing them, because	25	Q	And do you have any reason to think that these
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		800-247-8360			800-247-8360

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1		were not the true reasons for	1		not get a copy?
'2	Α	Yes.	2	Α	
1		for his decision to schedule the conference?	3	^	I do not know if my lawyer got a copy. You mean Mr. Kramer?
3	Q ^		l .	_	
4	A	Yes.	4	Q	Or any of your prior lawyers?
5	Q	You have reason to believe that he did not	5	A	No, I don't know if they did or didn't.
	\ _	receive such reports?	6	Q	Okay. So for those reasons you believe that he
	' A	No.	7		wasn't really truly motivated to have this
8	Q	Okay.	8		conference because of a desire to learn more
9	Α	I'm sure he received the reports.	9		about these allegations?
10	Q	Okay. And I'm not arguing with you or	10	Α	Oh, I'm sure that's why he scheduled the
11		questioning you about whether the incidents	11	_	conference.
12		occurred.	12	Q	Okay. Now, in looking through the documents it
13	A	Uh-huh.	13		appeared to me that there was a need to
14	Q	Do you have reason to believe that he knew they	14		reschedule the conference a couple times, is that
15		didn't occur and was using them simply to engage	15	_	your recollection?
16		in a discussion with you concerning discipline?	16	A	This conference?
17	Α .	You have to say that again.	17	Q	Yes, that there may have been a need to engage in
18	Q	Sure. Do you think that he was using these	18		it on a date other than April 1, 2010?
19		bullet points as a pretext simply to get you into	19	Α	2010 at 4:00 p.m. Well, I must have been there
20		a discussion of discipline that could lead to	20	_	at some point, because I got fired.
21		your termination?	21	Q	Well, let me ask it a different way. No, let me
22		MR. BELAZIS: In other words, did he	22		strike that. Was there a meeting on April 1,
23		have an ulterior motive?	23		2010 to discuss your potential disciplinary
24	_	THE WITNESS: Yes.	24		action related to the allegations that you had
25	Q	What evidence do you have to suggest that he was	25		engaged in inappropriate discussion?
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		800-247-8360	<u> </u>		800-247-8360
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	, construction of the cons	not truly interested in investigating these issues, but had an ulterior motive?	2		Dr. Gunner personally brought this letter to my door, front door.
3	A	not truly interested in investigating these issues, but had an ulterior motive? What evidence?	3	Q	Dr. Gunner personally brought this letter to my door, front door. And we're talking now about 28?
3 4	Q	not truly interested in investigating these issues, but had an ulterior motive? What evidence? Yes.	2 3 4	Q A	Dr. Gunner personally brought this letter to my door, front door. And we're talking now about 28? Twenty
3 4 5	Q A	not truly interested in investigating these issues, but had an ulterior motive? What evidence? Yes. I don't know what you mean by evidence, but	2 3 4 5	Q A Q	Dr. Gunner personally brought this letter to my door, front door. And we're talking now about 28? Twenty The Exhibit No. 28?
3 4 5 6	Q A Q	not truly interested in investigating these issues, but had an ulterior motive? What evidence? Yes. I don't know what you mean by evidence, but What proof?	2 3 4 5 6	Q A Q A	Dr. Gunner personally brought this letter to my door, front door. And we're talking now about 28? Twenty The Exhibit No. 28? Yes.
3 4 5 6 7	Q A	not truly interested in investigating these issues, but had an ulterior motive? What evidence? Yes. I don't know what you mean by evidence, but What proof? Because I had repeatedly told him that I was not	2 3 4 5 6 7	Q A Q	Dr. Gunner personally brought this letter to my door, front door. And we're talking now about 28? Twenty The Exhibit No. 28? Yes. Okay. Okay. And that advises of a meeting on
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		249		_	251
1	Q	Okay. And you did indeed receive this letter	1	Q	Yes, at this meeting.
2		from Dr. Gunner?	2	Α	I didn't talk at that meeting.
3	Α	I don't remember him hand delivering two letters.	3	Q	Okay.
4	Q	If you'll turn to the second page of it, there's	4	Α	Airica Clay talked.
5		some handwriting at the bottom, if you'll look at	5	Q	Well, did you or your representatives make any
-5		that.	6		statements at the meeting that said to the
	Α	"Letter received," that's me.	7		effect, "Mrs. Smith has a medical problem which
8	Q	That's your handwriting?	8		is causing her difficulty in being able to
9	Α	Yes. That's the one that	9		supervise students?"
10	Q	Could you read the	10		MR. BELAZIS: Who is Airica Clay?
11	Α	And he did not hand deliver this one, then it was	11		THE WITNESS: Yes.
12		this one.	12		MR. GUNNER: She's the OEA rep.
13	Q	Okay. Well, the one that is marked as	13		MR. BELAZIS: Oh.
14		Exhibit 29, could you read your handwriting at	14		BY MS. GRIGSBY:
15		the bottom of it?	15	Q	And she was there with you?
16	Α	Yes, I just told you that's my signature.	16	Α	She went with me to that meeting.
17	Q	Yes. It says, "Letter received," can you tell me	17	Q	Right. Did anybody on your behalf at that
18	•	"12:45 p.m.," but what is the date that you've	18	*	meeting make a statement to that effect?
19		written there?	19	Α	No, I don't think so.
20	Α	April 13th.	20	Q	Okay.
21	Q	Okay. The letter states on paragraph 1 that	21	A	I think maybe Dr. Gunner might have brought it
22		there was a meeting held on April 1, 2010 with	22		up.
23		you and your PEA representative?	23	Q	Okay. What do you recall Dr. Gunner saying on
24	Α	Yes.	24	_	that topic?
25	Q	And do you remember that meeting?	25	Α	About you know, that maybe the, my problems
	_	HUNTLEY REPORTING SERVICE			HUNTLEY REPORTING SERVICE
		419-626-4039			419-626-4039
		800-247-8360			800-247-8360
	<u>.</u>	250			252
7 A A A A A A A A A A A A A A A A A A A	Α	Yes.	1		were just maybe too much to handle, I think it
	Q	Tell me what happened at that meeting?	2		was basically that I wasn't competent.
3	Α	I think that Airica Clay was with me and John	3	Q	And that's the gist of the statements that you
4		Gerber was there no, it was not John Gerber,	4		recall him making?
5		it was Tom Kinsel, I think, and Dr. Gunner told	5	Α	Yes. I don't see her that now, I'm not
6		me and them that I was being terminated.	6		scratch all that. I need to look at this letter
7	Q	Did he tell you that you were, he was making a	7		very carefully and I need to think in my mind.
8		recommendation for your termination?	8	Q	Okay. Sure. Go ahead.
9	Α	Yes.	9		THEREUPON, there was a brief recess.
10	Q	And there were three grounds specified for the	10		MS. GRIGSBY: Well, actually I want to
11		recommendation?	11		mark another exhibit and I want to mark this 28A.
12	Α	Yes.	12		THEREUPON, Defendants' Exhibit 28A was marked
13	Q	One of which was the engaging in inappropriate	13		for identification.
14		discussion?	14	Q	Now, I'm going to ask you some questions about
15	Α	Yes.	15		28A in a moment, Carol. But
16	Q	One of which was repeated dozing off incidents	16	Α	All right.
17	Α	Yes.	17	Q	back to the meeting that was held on
18	Q	while supervising Study Hall?	18		April 1st. During the course of that meeting did
19	Α	Yes.	19		you or your representatives ask to see the
20	Q	And one of which was arriving tardy?	20		statements that were made, the written statement
21	Α	Yes.	21		that were made by various students; do you
22	Q	Okay. During the course of this meeting did you	22		remember anything about that?
23		express that you had a medical problem, diabetes,	23	Α	You mean at this meeting?
		or some other	24	Q	The April 1, 2010.
24					
24	A	At this meeting?	25	Α	The April 1st meeting, where is that?
24	A	At this meeting? HUNTLEY REPORTING SERVICE	25	Α	The April 1st meeting, where is that? HUNTLEY REPORTING SERVICE
2	A	_	25	A	·

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1	Q	253 The April 1, 2010 meeting is the one that is	1	٨	255
	Q		-	A	Well, on April 12th?
2		called for in Exhibit 28, you were given notice	2	Q	At some point later.
3	٨	of that meeting on Exhibit 28.	3	A	Well, I don't remember.
4	Α	Right here. All right, so that's Exhibit 29	4	Q	You don't remember whether there were one or two
5	_	you're looking at?	5		conferences?
	Q : A	Yes. Well, now we're looking at 28A.	6	Α	April 12th, April 13th, April 5th here, you know,
	: A	Okay.	7		obviously we met on all of those dates, it says
8	Q	Because my understanding is that the meeting did	8	_	so right here.
9		go forward on April 1, 2010, we just talked about	9	Q	Well, how many meetings did you have with
10	۸	it, right?	10		Dr. Gunner and your representatives prior to this
11	A	Yes.	11		pornography issue coming up, but before your
12	Q	And I'm asking you during the course of that	12		termination recommendation was made to the board?
13		meeting did you have discussions with Mr. Gunner	13	Α	I had no meetings with Dr. Gunner when the
14		in which you said, or your representative said,	14		pornography issue, and Airica Clay. You're
15		"May I see the statements that the students have	15	_	asking specifically about pornography?
16		given?"	16	Q	Well, were there disciplinary conferences held
17	A	Airica Clay was my representative then?	17		after allegations were made that you engaged in
18	Q ^	Yes.	18		inappropriate discussion of pornography with you
19	Α	Yes, and she, her and Mr. Gunner got into some	19		and your representatives and Dr. Gunner?
20	_	kind of an exchange	20	A	Yes.
21	Q	Okay.	21	Q	How many such conferences took place?
22	Α	and I don't know what he wouldn't give to her,	22	Α	I can't remember how many. If they're all here,
23		but I know it got heated. And it's just like, it	23	_	this many.
24		was obvious he knew that I had an eye problem, he	24	Q	You personally don't have a recollection as to
25		knew I had diabetes, he knew I had a mobility	25		whether there was one or more than one?
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		419-626-4039	ļ		419-626-4039
		800-247-8360			800-247-8360
		254			256
			l a		
		problem, and she got upset that he didn't have	1	Α	It got to be quite frequent. With the
- 2		problem, and she got upset that he didn't have something there that she wanted.	2		It got to be quite frequent. With the pornography issue itself?
3	Q	problem, and she got upset that he didn't have something there that she wanted. Okay. Well, I asked you specifically about the	2 3	A Q	It got to be quite frequent. With the pornography issue itself? That's what I'm limiting this to, I'm just
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		Case: 3:11-cv-00560-JRK_Doc #: 103_l	-ner	T	
	_	257			259
1	Q	Okay. Do you recall that there was a meeting	1	Α	This is a termination procedure, Mr. Taich's
2		scheduled, a disciplinary meeting, scheduled	2		report.
3		after April 1, 2010, which ultimately did not go	3	Q	Do you understand this to be a report and
4		forward because your representatives were	4		recommendation by Referee Harry Taich which
5		confused about the date and that it was	5		followed a hearing held concerning your potential
, .e.		rescheduled, do you recall that?	6		termination?
1	Α	Yes.	7	Α	Yes.
8	Q	Okay. And so was this second conference then	8	Q	Okay. And did you sit through all of the hearing
9		rescheduled and conducted?	9		before Referee Taich?
10	Α	Yes.	10	Α	Yes.
11	Q	Okay.	11	Q	And during that hearing was evidence presented as
12	-	THEREUPON, Defendants' Exhibit 30 was marked	12	_	to whether or not there was good and just cause
13		for identification.	13		for your termination?
14	Q	Carol, taking a look at Exhibit 30. Does this	14		MR. BELAZIS: Objection as to what the
15	_	document first of all, can you acknowledge	15		nature of that evidence was. If you want to ask
16		receipt of this document? If you'll turn to the	16		her if evidence was presented, you can ask her
17		second page.	17		that?
18	Α	I received this on April 14th at 2:00 p.m.	18		BY MS. GRIGSBY:
19	Q	-	19	Q	
20	Q	Okay. It says in the first paragraph that on April 14, 2010, at one 1:00 p.m., Dr. Gunner met	20	Q	Let me ask it this way: What do you understand
21			l		the purpose of the hearing before Referee Taich
1		with you and your PEA representative to conduct a	21	۸	to be?
22		disciplinary conference as a follow-up to the	22	A	To see if I should be terminated.
23		conference held on April 1, 2009; do you see	23	Q	Okay. And did you understand he was going to be
24		that?	24		hearing evidence and then making a
25	Α	"On April 14th at 1:00 p.m. I met with you and	25		recommendation?
		HUNTLEY REPORTING SERVICE			HUNTLEY REPORTING SERVICE
		419-626-4039			419-626-4039
		800-247-8360	<u> </u>		800-247-8360
		750	l		
		258	۱.		260
		your Perkins representation to conduct a	1	A	Yes.
1		your Perkins representation to conduct a disciplinary to follow-up to conference held on	2	A Q	Yes. Okay. And the document that's been marked as
3		your Perkins representation to conduct a disciplinary to follow-up to conference held on Thursday" yes.	2 3		Yes. Okay. And the document that's been marked as Exhibit 31, you understand he wrote that after
4	Q	your Perkins representation to conduct a disciplinary to follow-up to conference held on Thursday" yes. Did you provide, or your representative provide	2 3 4	Q	Yes. Okay. And the document that's been marked as Exhibit 31, you understand he wrote that after considering all the evidence?
4 5	Q	your Perkins representation to conduct a disciplinary to follow-up to conference held on Thursday" yes. Did you provide, or your representative provide Dr. Gunner any additional or new information, or	2 3 4 5	Q A	Yes. Okay. And the document that's been marked as Exhibit 31, you understand he wrote that after considering all the evidence? Yes.
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		261			263
1		conduct? Do you have reason to debate or dispute	1	Α	Did I ever read that complaint?
2		that that statement is contained in this	2	Q	Well, let me ask you, did you read the complaint?
3		document?	3	Α	I don't remember reading the complaint.
4	Α	I'd have to read this again.	4	Q	But a complaint and an amended complaint was
5	Q	Okay. Maybe we can do it this way.	5		filed in this case on your behalf, correct?
٠		MS. GRIGSBY: Counsel, I've got a	6	Α	By Mr. Belazis?
	1	number of statements from this report, that are	7	Q	Yes. An amended complaint of the original.
8		quoted from this report, that perhaps we could	8	A	the state of the s
1			1		Oh, the original complaint I did not read.
9		stipulate are contained in this report?	9	Q	Okay. And did you read the amended complaint
10		MR. BELAZIS: You marked it as an	10		before it was filed?
11		exhibit, I'm not going to stipulate to anything.	11	A	No.
12		Whatever it says, it says.	12	Q	Okay.
13		MS. GRIGSBY: Okay.	13	Α	So you're asking me to say things here that I
14		BY MS. GRIGSBY:	14		don't know what to say.
15	Q	Well, let me ask you this: Do you have any	15	Q	Well, my job is to discover the factual basis for
16		factual basis to believe that the Board of	16		your complaint and there are allegations in your
17		Education decided to terminate you for reasons	17		complaint that certain actions were taken by the
18		other than those set forth in Exhibit 31?	18		defendants and that they were a pretext for
19	Α	Factual?	19		improper discriminatory conduct. And so with
20	Q	Right.	20		regard to the actual action of termination, do
21	~	MR. BELAZIS: You mean did they have an	21		you have a factual basis to believe that the
22		ulterior motive?	22		Board based its decision to terminate you for the
23		MS. GRIGSBY: Right.	23		
	^	-	1		improper reason of discriminating against you, as
24	Q	Do you have any reason to think that they were	24		opposed to the reasons that are set forth in this
25		making a decision to terminate you for reasons	25		report?
		HUNTLEY REPORTING SERVICE			HUNTLEY REPORTING SERVICE
		419-626-4039			419-626-4039
		800-247-8360			800-247-8360
		262			264
(1	other than the recommendation and the report made	1		MR. BELAZIS: Okay. I'm going to
_		by the referee?	2		object to the question, because you've got
3		,			object to the question, because you've got
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4			3 4		The state of the s
5		MR. BELAZIS: Didn't you already ask			it's an improper question. You're asking her
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		265			267
1		about that.	1		termination for that reason?
2		THE WITNESS: But I don't understand	2	Α	Maybe.
3		what you're getting at.	3	Q	Okay.
4		BY MS. GRIGSBY:	4	Α	I'm not sure yet, there's things I need to sort
5	Q	Okay. Do you personally have knowledge of facts	5		out in my mind.
- S		or evidence that would indicate the Board of	6	Q	Okay. Is it true that you haven't formed an
		Education made its decision to terminate you for	7		opinion one way or the other on that at this
8		a discriminatory reason?	8		point?
9	Α	The Board of Education itself, do I have	9		MR. BELAZIS: Do you understand the
10		knowledge of their understanding? No.	10		question, Carol?
11	Q	Do you have knowledge or facts or evidence which	11		THE WITNESS: No, I don't. I don't.
12		would indicate that they terminated you for a	12		MR. BELAZIS: She's asking you if you
13		reason based upon discrimination?	13		believe that Dr. Gunner had a discriminatory
14		MR. BELAZIS: Do you know anything	14		motive? In other words, do you believe that he
15		about the discussions with the board?	15		terminated you on the basis of your disability?
16		THE WITNESS: No.	16		THE WITNESS: Yes, I do.
17		MR. BELAZIS: All right.	17		BY MS. GRIGSBY:
18		THE WITNESS: No, I don't.	18	Q	Okay. Now, what do you base that opinion on?
19		BY MS. GRIGSBY:	19	A	I base it on the fact that every time he
20	Q	Do you personally hold the opinion that you were	20	/3	mentioned why I'm being disciplined, it was
21	•	terminated because of a desire to discriminate	21		because I was sleeping in class, and my eyes are
22		against you?	22		closed all the time, because I was late to class
23	Α	Do I personally hold that opinion?	23		and my mobility issues are great, the neuropathy
24	Q	Yes.	24		in my feet is serious at this point, and I'm
25	A	I'm not sure.	25		basing it on the fact of my diabetes.
		HUNTLEY REPORTING SERVICE	23		HUNTLEY REPORTING SERVICE
		419-626-4039			419-626-4039
		800-247-8360			800-247-8360
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		266			268
	Q	266 Okav	1	O.	Okay And you believe that he is prejudice
- 10 m	Q A	Okay.	1 2	Q	Okay. And you believe that he is prejudice
3	Q A	Okay. I'm not sure.	2		Okay. And you believe that he is prejudice against you because you have diabetes?
3 4	_	Okay. I'm not sure. MR. BELAZIS: Are you talking about	2 3	A	Okay. And you believe that he is prejudice against you because you have diabetes? Not at all.
4	_	Okay. I'm not sure. MR. BELAZIS: Are you talking about with respect to the Board members?	2 3 4	A Q	Okay. And you believe that he is prejudice against you because you have diabetes? Not at all. You don't believe that?
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		269			271
1		distress issues?	1		co-conspirators that you're referring to in the
2	Α	Dr. Vaschack who put me on Prozac.	2		Complaint?
3	Q	When did you begin consulting with him?	3		MR. BELAZIS: That Complaint is
4	Α	I've been consulting with Dr and he's my	4		prepared by counsel and she's already said she
5		internal my endocrinologist, my internalist.	5		hasn't read it, so.
ے د	Q	And when did he first prescribe the Prozac?	6	Q	Well, do you believe that other people worked
f.d	Α	Right after these allegations started and I was	7		together with Dr. Gunner and Mr. Finn in a
8		getting very and he says, "Let's get you	8		calculated way to harass you?
9		calmed down a little bit."	9	Α	I can't answer that. I can't speak for people,
10	Q	And was that before or after your termination?	10	•	what they say or do when I'm not there.
11	A	It was right before when things were getting	11	Q	Would you believe that there was a campaign
12	•	heated up.	12	•	designed to harass you?
13	Q	Before or after the referee's hearing?	13	Α	
14	A	-	1	^	Maybe not harass me, but to get me out of there
	Q	It was before the referee's hearing.	14	_	earlier.
15	Q	And do you remain treating with that doctor for	15	Q	Why do you think you
16		emotional distress issues?	16	A	I don't know.
17	A	I have asked him to take me off of Prozac now.	17	Q	You believe that there was a campaign to get you
18	Q	When did you make that request?	18		out of there earlier?
19	Α	Just recently.	19	Α	Uh-huh.
20	Q	Okay. As a result of the emotional distress that	20	Q	What do you mean, to
21		caused you to seek treatment, were you unable to	21	Α	To make me retire.
22		perform your duties and your functions as a wife	22	Q	Okay. And what do you think was the motivation
23		or a mother or grandmother?	23		behind that campaign?
24	Α	I darn near had a nervous breakdown that summer.	24		MR. BELAZIS: That's been asked and
25	Q	Were you hospitalized for emotional distress?	25		answered.
		HUNTLEY REPORTING SERVICE			HUNTLEY REPORTING SERVICE
		419-626-4039			419-626-4039
		800-247-8360			800-247-8360
 		0770			
		270			272
p 1	Α	I was not hospitalized.	1		272 MS. GRIGSBY: No. this is the first
	A Q	I was not hospitalized.	1 2		MS. GRIGSBY: No, this is the first
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		Case: 3:11-cv-00560-JRK Doc #: 103	-ue	u. U1	712/15 69 01 70. PageID # 869 275
1	Α	Well, that might be a good question for them	1		being done, okay?
2	Q		2	Α	- · · · · · · · · · · · · · · · · · · ·
3	A	Okay.	3	^	All right. Uh-huh.
	Q	the same people that you're talking about.	1		MS. GRIGSBY: Give us just a moment and
4	Q	Okay. Can you tell me, in your opinion or your	4		we'll step out.
5		understanding of the job description, what you	5		THEREUPON, there was a brief recess.
	ì	understand to be the essential duties of an ISI	6		MS. GRIGSBY: Just one last question.
1	7	supervisor?	7	_	BY MS. GRIGSBY:
8	Α	To make sure that they do the work that the	8	Q	Do you mind if I stand?
9		teachers hand me for them, to make sure that they	9	Α	No.
10		do not disrupt other children, to make sure that	10	Q	I don't mean to be rude. Mrs. Smith, do you know
11		when that they take care of their personal	11		of any time that you were summoned to a
12		needs, to, just to make sure they get the work	12		disciplinary conference or disciplined by
13		done, and, you know, it's up to Mr. Finn to ask	13		Dr. Gunner in which his actions had not been
14		them why they're there.	14		precipitated by a complaint made by somebody
15	Q	Do you believe that part of your duties as an ISI	15		else?
16		supervisor are to monitor and keep tabs on the	16	Α	Do I know say that again.
17		conduct of the students in that class?	17	Q	You've had a number of incidents in which you've
18		MR. BELAZIS: You mean outside of	18		been disciplined by Dr. Gunner
19		classroom or while in there?	19	Α	Uh-huh.
20		MS. GRIGSBY: While in the classroom.	20	Q	and a number of times in which you've sat in
21	Α	Yes.	21		disciplinary conferences with Dr. Gunner?
22	Q	Okay. Now, as a diabetic you've been prescribed	22	Α	Uh-huh.
23		certain medications, certain regimens, health	23	Q	Do you know whether any of those occasions, any
24		regimens, it includes insulin injection and	24		of those disciplines or any of those conferences,
25		medications. Have you always been very careful	25		were ever not preceded by a complaint concerning
		HUNTLEY REPORTING SERVICE			HUNTLEY REPORTING SERVICE
		419-626-4039			419-626-4039
		800-247-8360			800-247-8360
	•	274			070
		214	ļ		276
1		to follow doctor's orders concerning your health	1		your behavior or actions made by a third party?
	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	—· ·	1 2	A	—· ·
- 3	A	to follow doctor's orders concerning your health	ł	A	your behavior or actions made by a third party?
3 4	A Q	to follow doctor's orders concerning your health regimen?	2	A Q	your behavior or actions made by a third party? I'm very sure that there had been people
.		to follow doctor's orders concerning your health regimen? Yes.	2 3		your behavior or actions made by a third party? I'm very sure that there had been people reporting to him.
4		to follow doctor's orders concerning your health regimen? Yes. Can you think of any other instance that we	2 3 4		your behavior or actions made by a third party? I'm very sure that there had been people reporting to him. Okay. And so as far as you know, he never called
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4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q AQAQ AQA	to follow doctor's orders concerning your health regimen? Yes. Can you think of any other instance that we haven't talked about today in which you made requests for accommodations, as a result of your physical conditions, to administrators of Perkins Schools? At the high school. Okay. That we haven't talked about? No, that Mr. Gasteier met my requests. Okay. And we talked about that earlier, related to the fire drill? Yeah. Okay. Now, my question is, is there anything that we have not talked about today that you can think of that constitutes a request on your part, that you be accommodated because of your physical conditions, that we haven't talked about yet? Not that I can think of. Okay. So we have exhausted that topic? Yes. Okay. Let me consult with Dr. Gunner just briefly and see if there's anything else we need to discuss, but otherwise I think we're close to HUNTLEY REPORTING SERVICE	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	Q	your behavior or actions made by a third party? I'm very sure that there had been people reporting to him. Okay. And so as far as you know, he never called you to a disciplinary conference or imposed discipline without first having received a report from somebody who was alleging that you did something improper? MR. BELAZIS: If you know. THE WITNESS: If I know. The only one that I was really concerned about was on March the 29th and I had no notice of him being there. And which incident is that? When he made me leave the building. Oh, the last incident? Yes. There was no notice. The pornography and the Yes. But other than that and with regard to that incident, you are aware that students had made concerns or made complaints about this discussion? If they did. Okay. Do you have any reason to doubt that

	Case: 3:11-cv-00560-JRK Doc #: 103	Filed: (01/12/15 70 of 70 PageID #: 870
	277	1	CERTIFICATE
1	nobody made those complaint?	2	STATE OF OHIO)) ss.
2	MR. BELAZIS: I don't I think she's	3	COUNTY OF ERIE)
3	asking you about your understanding, as opposed	4	
4	to your personal knowledge.	5	I, Lori L. Delhees, Stenotype Reporter and Notary Public within and for the State aforesaid,
5	THE WITNESS: Oh, yes.		duly commissioned and qualified, do hereby
	MS. GRIGSBY:	6	certify that the within named CAROL ANN SMITH was by me, before the giving of her deposition, first
Q	Okay.	7	duly sworn to testify the truth, the whole truth and nothing but the truth in the cause aforesaid;
8 A	Well, it's my understanding, because they told it	8	that the deposition as above set forth was
9	to me, was, yes, they did.	9	reduced to writing by me by means of Computer-Aided Transcription; that the said
10 Q	Okay.	10	deposition was taken pursuant to Notice and was
11	MS. GRIGSBY: I think I have no further		completed without adjournment; that I am not a relative or attorney of either party or otherwise
12	questions and I want to thank you for your time.	11	interested in the eventual outcome of this action.
13	I know it's been a long day and a difficult day	12	detion.
14	and I truly appreciate it. Thank you very much.	13	IN WITNESS WHEREOF, I have hereunto set my hand
15	MR. BELAZIS: We'll reserve.	14	and seal of office at Sandusky, Ohio this
16	THEREUPON, the deposition concluded at		day of, 2014.
17	5:30 p.m.	15	
18		16	
19		17	HUNTLEY REPORTING SERVICE Lori L. Delhees
20	/S/	18	Notary Public P. O. Box 1067
21			Sandusky, Ohio 44870
22		19	My commission expires 11/24/2017
23		20	, , , , , , , , , , , , , , , , , , , ,
24		21	
25		22 23	
	HUNTLEY REPORTING SERVICE	24 25	
	419-626-4039	23	HUNTLEY REPORTING SERVICE
	110 020 1000		
	800-247-8360		419-626-4039 800-247-8360
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<u> </u>	800-247-8360		419-626-4039
	800-247-8360 278		419-626-4039 800-247-8360
3	800-247-8360 278		419-626-4039 800-247-8360
3 4	800-247-8360 278 CORRECTIONS	:	419-626-4039 800-247-8360 280 1 <u>CERTIFICATE</u>
3 4 5	800-247-8360 278 CORRECTIONS		419-626-4039 800-247-8360 280 1
4	800-247-8360 278 CORRECTIONS		419-626-4039 800-247-8360 280 1
4 5	800-247-8360 278 CORRECTIONS		419-626-4039 800-247-8360 280 1 CERTIFICATE 2 STATE OF OHIO 3 COUNTY OF 4 5 I certify that this deposition was 6 signed in my presence by CAROL ANN SMITH on the
4 5 6 7 8	800-247-8360 278 CORRECTIONS		### ##################################
4 5 6 7 8 9	800-247-8360 278 CORRECTIONS		419-626-4039 800-247-8360 280 1
4 5 6 7 8 9	800-247-8360 278 CORRECTIONS	3.3	### 419-626-4039 ### 800-247-8360 1
4 5 6 7 8 9 10	800-247-8360 278 CORRECTIONS	6 5	### 419-626-4039 ### 800-247-8360 CERTIFICATE
4 5 6 7 8 9 10 11	800-247-8360 278 CORRECTIONS	3.3	### 419-626-4039 ### 800-247-8360 CERTIFICATE
4 5 6 7 8 9 10 11 12	800-247-8360 278 <u>CORRECTIONS</u>	10	### 419-626-4039 ### 800-247-8360 CERTIFICATE
4 5 6 7 8 9 10 11 12 13	800-247-8360 278 <u>CORRECTIONS</u>	11.	### ### ##############################
4 5 6 7 8 9 10 11 12 13 14	800-247-8360 278 <u>CORRECTIONS</u>	10 11 12 13	### ### ##############################
4 5 6 7 8 9 10 11 12 13 14 15	800-247-8360 278 <u>CORRECTIONS</u>	10 11 12 13	### ### ##############################
4 5 6 7 8 9 10 11 12 13 14	800-247-8360 278 <u>CORRECTIONS</u>	10 12 14 15 14 15 16 16 16 16 16 16 16 16 16 16 16 16 16	### ### ##############################
4 5 6 7 8 9 10 11 12 13 14 15	800-247-8360 278 <u>CORRECTIONS</u>	10 11 12 12 14 18	### ### ##############################
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	800-247-8360 278 <u>CORRECTIONS</u>	10 11 12 14 18 16	### ### ##############################
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4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	800-247-8360 278 <u>CORRECTIONS</u>	10 11 12 13 14 16 17 18	### ### ##############################
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	800-247-8360 278 <u>CORRECTIONS</u>	10 11 12 12 14 16 17 18	### ### ##############################
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4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	800-247-8360 278 <u>CORRECTIONS</u>	10 10 11 12 13 14 16 17 18 19 20 21 22 23	### ### ##############################
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	800-247-8360 278 <u>CORRECTIONS</u>	10 11 12 13 14 16 17 18 19 20 21 22 23	### ### ##############################
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	PAGE LINE CORRECTION/COMMENTS	10 11 12 13 14 16 17 18 19 20 21 22 23	### ### ### ### ### ### ### ### ### ##